

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
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FOI/PA# 1416817-000

Total Deleted Page(s) = 46

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NR001 WF CODE

2:47 AM 6-16-71 URGENT RAH

TO DIRECTOR

DOMESTIC INTELLIGENCE DIVISION

BOSTON

NEW YORK

FROM WASHINGTON FIELD OFFICE (65-)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/9/81 BY SP2

b6
b7C

UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION; QUOTE
NEW YORK TIMES UNQUOTE SERIES RE UNITED STATES - VIETNAM RELATIONS,
NINETEEN FORTY FIVE TO NINETEEN SIXTY SEVEN; MISCELLANEOUS
INFORMATION CONCERNING (NATIONALITIES INTELLIGENCE).

[REDACTED]
[REDACTED] INTERVIEWED JUNE FIFTEEN, LAST,
AND ADVISED AS FOLLOWS:

b6
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b7D

IN EARLY PART OF MAY, LAST, DOCTOR ROBERT U. AKERET, A
DOCTOR OF PSYCHOLOGY AND A LICENSED ANALYST, WEST END AVENUE
AT ABOUT NINETIETH STREET, NEW YORK CITY, WHILE VISITING
[REDACTED] IN WASHINGTON, D. C. (WDC), ADVISED HE HAD HEARD ONE
DANIEL ELLSBERG, [REDACTED]

b6
b7C
b7D

[REDACTED] HAD BEEN IN NEW YORK AND HAD MADE CONTACT
WITH GROVE PRESS AND OTHER NEW YORK NEWSPAPERS INCLUDING THE
END PAGE ONE

rec'd only copy
6/17/71

Might Superior
n. of. Advised
CF

65-236-1

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 16 1971	
FBI - BOSTON	

H. Palmer

PAGE TWO

QUOTE NEW YORK TIMES UNQUOTE, IN AN EFFORT TO NEGOTIATE PUBLICATION OF A LARGE FOUR OR FIVE THOUSAND PAGE COMPREHENSIVE DOCUMENT DEALING WITH UNITED STATES INVOLVEMENT IN VIETNAM.

[] NOT CERTAIN BUT OF BELIEF THAT AKERET LEARNED THIS INFORMATION FROM SOMEONE CONNECTED WITH GROVE PRESS, AND IN FACT AKERET QUESTIONED [] ABOUT CLASSIFICATIONS, AND AS TO WHETHER LEGAL ACTION MIGHT NOT BE TAKEN AGAINST GROVE PRESS IF SUCH A DOCUMENT WAS PUBLISHED. AKERET TOLD [] THAT HE HEARD ELLSBERG ACTUALLY HAD POSSESSION OF THIS DOCUMENT AND THAT THERE WAS A LOGISTICAL PROBLEM CONNECTED WITH REPRODUCTION OF IT BECAUSE OF ITS SIZE. [] ADVISED THAT THIS WAS THE FIRST TIME THAT HE HAD EVER HEARD ANY REFERENCE TO THE EXISTENCE OF SUCH A DOCUMENT. [] SAID HE DID NOT AT THE TIME TAKE THIS INFORMATION TOO SERIOUSLY, AND NOT UNTIL HE READ THE TIMES ARTICLE OF SUNDAY, JUNE THIRTEEN, LAST, DID HE RELATE BACK TO HIS CONVERSATION WITH

END PAGE TWO

b6
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PAGE THREE

AKERET AND REALIZED ITS SERIOUSNESS. ON JUNE FOURTEEN, LAST, HE DISCUSSED THIS MATTER WITH [REDACTED] [REDACTED] AND TOLD HIM HE BELIEVED ELLSBERG TO BE THE SOURCE OF THE TIMES ARTICLE. [REDACTED] ADVISED HE KNOWS ELLSBERG ONLY BY REPUTATION AND HAS NEVER MET HIM. HE DESCRIBED HIM AS HAVING BEEN EMPLOYED IN VIETNAM AFFAIRS IN SAIGON CONNECTED WITH THE UNITED STATES EMBASSY THERE PRIOR TO NINETEEN SIXTY SIX, AND LATER EMPLOYED AT THE PENTAGON IN THE QUOTE COUNTER INSURGENCY PROGRAM UNQUOTE. [REDACTED] BELIEVES ELLSBERG PRESENTLY CONNECTED WITH MASSACHUSETTS INSTITUTE OF TECHNOLOGY, CAMBRIDGE, MASSACHUSETTS. KNOWS ELLSBERG HAS TESTIFIED BEFORE FULLBRIGHT COMMITTEE IN NINETEEN SEVENTY GIVING A QUOTE VERY NEGATIVE, GUILT - RIDDEN APPROACH UNQUOTE, CONDEMNING UNITED STATES POLICY IN VIETNAM.

AKERET [REDACTED]

[REDACTED] ALTHOUGH CRITICAL OF UNITED STATES POLICY IN VIETNAM

END PAGE THREE

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b6
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PAGE FOUR

DIFFERING WITH [REDACTED] AT FIRST RELUCTANT TO
DISCLOSE IDENTITY OF AKERET AND AFTER DOING SO REQUESTED HIS
HAVING FURNISHED AKERET'S IDENTITY NOT BE DISCLOSED. [REDACTED]
EMPLOYED [REDACTED]

[REDACTED] UNTIL [REDACTED]

AT PRESENT

REQUEST OF BUREAU

BUREAU REQUESTED TO ADVISE NEW YORK AND BOSTON OF
INVESTIGATION AND INTERVIEWS DESIRED IN THESE DIVISION.

INTERVIEWS CONDUCTED BY SA'S DANIEL J. KIERNAN AND THOMAS
A. MENDENHALL.

END

JKG FBI BOSTON

BS CLR

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(Title) _____

(File No.) 65-5236-1A

Date Filed	Disposition
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5/25/72	69. (1) Copy of
11/13/72	70. A. P. location. "U.S. 11/1/72
12/5/72	71. Living line from N.Y.
12/19/72	72. Report of the

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Field File No. _____

OO and File No. 65-5236-1ADate Received 10/26/71From WFO
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By Bowe
(NAME OF SPECIAL AGENT)

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By Sac, Boston
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PEACE AND FREEDOM THRU NONVIOLENT ACTION

Presidential Memorandum
May 19, 1967
(Beacon IV, p. 172)

THE ISSUES BEHIND THE PENTAGON PAPERS TRIAL

*revealing
new interviews
with Pat and
Dan Ellsberg*

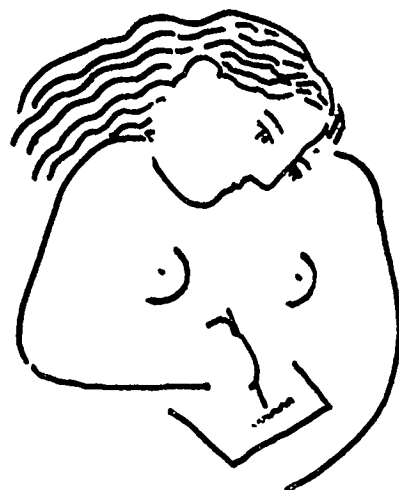
**Air Force
security officer
tells all**

and much more....

Special considerations during next two months. The relevant "audiences" of US action are the Communists (whose morale must be buoyed), our allies (who must trust us as "underwriters")

We have ment of namess ese gove

A feel that "the mind of to impo peoples more the tion here carrying Related polarized United S split in a tury. Th with born and about th Amendr



The Sept. 1 issue was beautiful. I especially appreciated the report of Nina Mobit on the action taken by Phoenix women, which was thrilling and inspiring example. I know that there are many who feel the frustration and despair of having struggled so long to end this cruel and senseless war, without apparent effect. But the Phoenix women are quite right—this despair is exactly what

the Nixon Administration wants us to feel—it is “a plot to silence the peace movement by having the latter commit suicide.”

The article on “Alternatives” by Bart Gerald is one of the most important ever to have been published by WIN. What an exciting idea! To organize a large cooperative—nationwide—to bring together all the communes and others who are seeking to escape the System or are struggling against it—a cooperative which would “encompass necessary means of production—food, delivery, medicine, clothing, training, and initially most services now available.”

Anyway, why not incorporate? Why not use one of the forms of capitalism as a means of struggling against it? —ART COULTER
CHAPEL HILL, N.C.

Hi! I like to think of myself as a gentle and peace loving soul. I am usually astonished to find this sweet me having such violent hostile feelings toward our pet cat, whom I detest. Recently our cat made friends with an adolescent siamese cat who moved in next door. Now at this time in my life the one thing I don't need is another cat! The unwanted neighbor messes in our newly filled sand box, eats our cat's food, even has the audacity to ask me for food. So I don't

pet him. I ask him to leave.

This morning we got our WIN and I'd just begun reading the letter that tells us how all you folks are doing. Then my sweet husband who really and truly is gentle, loving, kind and peaceful, gave this neighborhood cat a friendly hello and rubbed and pet him. Said I, “WHAT are you DOING! dear??”, and handed him the WIN. (Setting: front porch, old fashioned type).

Then our monkey came out and the cat began to stalk him. A cat will never have any luck stalking a squirrel monkey—they are much too agile and quick. I brought out some leftovers for the monkey and the cat tried to get them. The monkey grabbed some food and ran away to eat it. The cat pursued him in great haste. And my darling husband took the WIN (marked “peace and nonviolence”, folded it, and swatted the cat!!! with the WIN!! good grief!

I knew it would make you moan, but I thought you'd like to hear from some people in “mixed city” anyway.

—SUSAN & RICHARD
SALT LAKE CITY, UTAH

HOME FOLKS

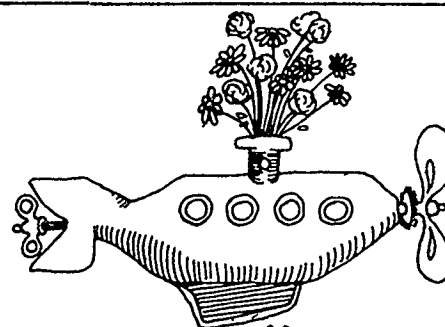
marilyn albert	dorothy lane
beth arnold	robin larsen
lance belville	elliott linzer
diana davies	jackson mac low
ralph di gla	dick margulis
jen elodie	david mcneynolds
leah fritz	jim peck
neil haworth	tad richards
marty jezer	lgai roodenko
allison karpel	fred rosen
craig karpel	nancy rosen
peter kiger	bob rushforth

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peace and freedom
through nonviolent action

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front cover: designed by Julie Maas

back cover:

“Against the Common Good”
by Francisco Goya

November 1, 1972
Volume VIII, Number 17

Our thanks and a “keep on truckin’” to John Kincaid who did most of the work on this issue. Without his perseverance and creativity it could not have been done. No thanks to the publicity department at Simon and Schuster which kept promising photos but never sent them.

The brief quotes on the cover and scattered throughout this issue are from various versions of the Pentagon Papers. Beacon refers to the four volume Beacon Press edition, GPO means the 12 volume Government Printing Office edition and NYT is the one volume New York Times Edition. A review of the three editions appears on page 32.

Local WRL Groups

REGIONAL OFFICES

WRL Midwest, 1437 E. Brady St., Milwaukee, WI 53202
WRL Southwest, 1003 Forrester NW, Albuquerque, NM 87104

WRL West, 833 Haight St., San Francisco, CA 94133
Atlanta Workshop in Nonviolence, Box 7477, Atlanta, GA 30309

D.C.

Washington WRL, P.O. Box 231, American University, Washington, D.C. 20016

IOWA

Ames WRL, c/o Kitzman, Meadow Glen Rd., Rt. 4, Ames, Iowa 50010

KANSAS

Lawrence WRL, 840 Kentucky, Lawrence, Kansas 66044

MICHIGAN

Detroit WRL, Oakland University, Rochester, MI 48063
Grand Rapids WRL, Box 1114, Grand Rapids, MI 49501
Kellogg Community College WRL, 450 North Ave., Battle Creek, MI 49016

NEW JERSEY

Jersey Shore WRL, c/o Erickson, 1322 Locust Dr., Asbury Park, NJ 07712

Newark WRL, 366 Passaic Ave., Nutley, NJ 07110

NEW YORK

Broome Co. WRL, P.O. Box 1351, Binghamton, NY 13902

GROPE/WRL, 244 F RD 1, Kerhonkson, NY 12466

Ithaca WRL, c/o Snyder, 66 Hilltop Rd., Danby, NY 14850

Jamestown WRL, 12 Partridge St., Jamestown, NY 14701

OHIO

Cincinnati WRL, 1255 Paddock Hills Ave., Cincinnati, Ohio 45229

Columbus WRL, 1954 Indianola Ave., Columbus, Ohio 43201

Dayton WRL, 122 Blackberry Rd., Dayton, Ohio 45431

OKLAHOMA

Oklahoma WRL, Box H, Norman, Oklahoma 73069

TEXAS

Austin WRL/Direct Action, P.O. Box 7161, University Station, Austin, Texas 78712

WRL Fort Worth, P.O. Box 11073, Ft. Worth, Texas 76109

WEST VIRGINIA

Morgantown WIN, Bennet House, 221 Willey St., Morgantown, West Virginia 26505

In addition to the above groups, there are about a dozen efforts to organize local WRL's going on around the country. These are what we could call embryo WRL's and when they reach the stage of being able to organize and work outside the WRL membership we will list them as local WRL's. If you would like to begin organizing a local WRL or would like information on the local WRL program please write to the National Office.

1973 Peace Calendar

Fifty years ago, in 1923, the War Resisters League was founded by those who had opposed World War I, some only just released from prison. This year marks our fiftieth anniversary—and will also mark fifty dramatic years in our national life, during which many groups used nonviolence to struggle for peace and social justice.

These fifty years have seen the Palmer Raids, the McCarthy witch hunt, Nixon's repression. We have lived through World War II and the Atomic Bomb, the Korean War, and we still endure the Vietnam War. But these same fifty years saw the growth of industrial trade unions with their dramatic “sitdown” strikes; they saw the leadership of A. J. Muste in the peace movement and Martin Luther King, Jr. in the civil rights movement; they saw the heroism of American blacks struggling for elemental human rights, they saw the fight for women's equality. These have been fifty years of tumult, tragedy—and of resistance and hope.

The Calendar for 1973, written by Marty Jezer, will commemorate not only the WRL's Fiftieth Anniversary, but the pain and joy of the period itself, and of the many who took part in it. This is a document that we believe will earn a place in your permanent library, long after 1973 is over and the WRL has entered its second fifty years of activity.

The 1973 calendar contains:

- * a page for every week in the year
- * a facing page with material and illustrations on fifty years of nonviolent resistance and action
- * a listing of peace organizations and periodicals, American and foreign
- * blank pages for notes and advance appointments in 1974
- * 128 pages, 5½" x 8½", wire-bound and flat-opening, the calendar pages of which can be removed when the year is over, leaving a bound volume for your permanent library

PUBLICATION DATE: NOVEMBER 1, 1972

The Peace Calendar is a unique and inexpensive gift that will be in use each day and remembered the whole year through. \$2.50 \$11 for five

Gift orders, and a gift card, will be mailed to arrive by the winter holidays, postpaid in the U.S.

WAR RESISTERS LEAGUE

339 Lafayette Street, New York, N.Y. 10012

I enclose \$ _____ for _____ copies
of the 1972 Peace Calendar
(\$2.50 each, \$11.00 for five)

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ZIP _____

STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION (Act of August 12, 1970: Section 3685, Title 39, United States Code). 1. Title of publication: WIN Magazine. 2. Date of filing: Sept. 28, 1972. 3. Frequency of issue: Twice a month except January, July & August, when once a month. 4. Location of known office of publication: 339 Lafayette St., N.Y.C., NY 10012. 5. Location of the headquarters or general business offices of the publishers: PO Box 547, Rifton (Ulster County) NY 12471. 6. Names and Addresses of publisher, editor and managing editor: Publisher—War Resisters League, 339 Lafayette St., New York, NY 10012; Editor—David McReynolds, Igal Roodenko, Mary Mayo, 339 Lafayette St., New York, NY 10012; Manager Editor—Maris Cakars, PO Box 547, Rifton, N.Y. 12471. Owner: War Resisters League, 339 Lafayette St., New York, NY 10012; Win Publishing Empire, PO Box 547, Rifton, N.Y. 12471. 8. Known bondholders, mortgagees, and other security holders owning or holding 1 percent or more of total amount of bonds, mortgages or other securities: None. 9. For optional completion by publishers mailing at the regular rates (Section 132.121, Postal Service Manual) 39 U.S.C. 3626 provides in pertinent part: "No person who would have been entitled to mail matter under former section 4359 of this title shall mail such matter at the rates provided under this subsection unless s/he files annually with the Postal Service a written request for permission to mail matter at such rates." In accordance with the provisions of this statute, I hereby request permission to mail the publication named in Item 1 at the reduced postage rates presently authorized by 39 U.S.C. 3626. (signature) Maris Cakars—Managing Editor. 10. For completion by non-profit organizations authorized to mail at special rates (Section 132.122, Postal Manual): The purpose, function, and nonprofit status of this organization and the exempt status for Federal income tax purposes have not changed during preceding 12 months. 11. Extent and nature of circulation: (After each item the first number is the average number of copies each issue during preceding 12 months; the second number is the actual number of copies of single issue published nearest to filing date) A. Total no. copies printed (Net Press Run) 8300; 8000. B. Paid circulation 1. sales through dealers and carriers, street vendors and counter sales—2300; 2000. 2. Mail subscriptions—4600; 3955. C. Total paid circulation—6900; 5955. D. Free distribution by mail, carrier or other means 1. samples, complimentary, and other free copies—400; 100. 2. Copies distributed to news agents, but not sold—300; 500. E. Total distribution (sum of C and D)—7600; 6555. F. Office use, left-over, unaccounted, spoiled after printing—700; 1445. G. Total (Sum of E & F—should equal net press run shown in A) 8300; 8000. I certify that the statements made by me above are correct and complete. (signature) Maris Cakars, Managing Editor.

Classifieds

Classifieds: Free if no exchange of \$ is involved. Otherwise: First 15 words—\$2. Ten words thereafter—\$1.

Equalitarian, technological commune seeks long-term members. Established economic base operating with the labor credit system. Illustrated 64 page booklet with questionnaire \$1. In a small college town but soon to be in the country too! East Street Gallery, Box 68, Grinnell, Iowa 50112

COMMUNITY ORGANIZERS for nonviolent social change needed to join New England CNVA staff in rural community. Voluntown, Conn. Write, or phone (203) 376-9970. RFD 1, Box 430, Voluntown, Conn. 06384

ELF is a journal for left-right libertarian expression, exchange and mind expansion—to promote anarchism as a movement and help to forge an integrated, viable and dynamic libertarian center. Free copies of ELF, introductory issue no. zero, are available from: Jorj Matiasz, Box 237, Merrill College, UCSC, Santa Cruz, Calif. 95060 (Stamps please)

EDITING, REVISION, REWRITING, from somebody who learned the HARD way—at WIN. Also any kind of carpentry, cabinet-making, masonry, adobe construction, roofing, plastering, dam building, ditch digging, horse training, etc. Super-reasonable rates; our needs are small, but pressing. Win consider any job that doesn't require leaving the Southwest, & if necessity dictates and conditions are salubrious, even some that do. Write to: Johnson, Somewhere in New Mexico, c/o WIN.

ECOLOGY STUFF: Bottle Cutter Kit, \$8 (suggested retail \$10.95); Ecology Flag Decal/Sticker 25¢; "EARTH: LOVE IT OR LEAVE IT!" long lasting vinyl bumper-sticker in ecology colors 50¢. Christmas and other cards made from recycled paper. Other items. Free list of ecology dos and don'ts with order or for stamped addressed envelope. Ecology Action Fund, P.O. Box 2003, Baltimore, Md. 21203

WIN urgently needs \$12.50 with which to buy a copy of "The Complete Fund Raising Guide" A gift for this special cause would multiply itself many times. Thanx.

HELP WIN. SELL WIN ON YOUR CAMPUS OR IN YOUR COMMUNITY. WE'LL SEND YOU A BUNDLE (AS LARGE OR SMALL AS YOU CAN USE) AND CHARGE YOU 15¢ PER COPY. YOU SELL 'EM FOR 30¢ RETURN UNSOLD COPIES FOR CREDIT. WRITE WIN, P.O. BOX 547, RIFTON, NY 12471, FOR FURTHER DETAILS.

THE SOCIALIST TRIBUNE is for building a non-sectarian socialist movement. The only requirement for joining us is belief in democracy. Send for a free sample copy. 1012 North 3rd Street; Suite 317; Milwaukee, Wisconsin 53203.

DOWN YOUNDER IN A HOLLOW LOG, quilts and other crafts, handmade. Write Sue Ransay, 1979 N. Oakland Ave., Milwaukee, Wis.

"POEMS FROM THE PRISON OF WESTERN CIVILIZATION" by Sam Cohen. Free (or donation). M-O Publications, 19211 Tracy, Detroit, MI 48235

HELP! Doing time in Ohio. Wish any together people who would like to rap would drop me a line. Male or female. Rich or poor. I'm a W/M 23, 5'8" and dig people, nature and travel. Exchange thought and concepts. Lee Langschied, No. 80 395, Box 788, Mansfield, Ohio 44901

Am compiling hitchhiking guide for USA. Please send any advice you have to hitchhiking, c/o freespace, 339 Lafayette St., N.Y.C., N.Y. 10012

Patient in psychiatric/convallescent hospital, very lonely, needs mail to help make the time more bearable. I also need a little bit of spending money, if you have it. Don, 143 W. Bullard Ave., Fresno, CA 93704

MAKE LAUGHING GAS New book, "Making Reality More Real", gives simple, one-step, one-chemical (easily obtained) kitchen type procedure for producing nitrous oxide at home. Also described are detailed psychedelic and medical effects and experiences by scientists (William James, Humphrey Davy) and poets (Coleridge). Send \$2 to TOU, Dept. 16, 6311 Yucca, L.A., CA 90028 Ecstasy or refund. Plain envelope.

Re-elect the Dike-Bomber?

Bumper-sticker, button in red, white & blue. @25¢, 5/\$1, 100/\$15. Blk prices avble Chks to Indochina Crisis, 106 S 13 St, Phila, Pa 19107-LOCAL REPS NEEDED.

On June 13, 1971, The New York Times printed the first of a series of articles and classified documents on the history of United States policy and decision-making on the Vietnam War. These documents are now known as the Pentagon Papers. The Times was able to print only three installments before further publication was halted by an unprecedented injunction obtained by the U.S. Attorney General, John N. Mitchell, who claimed that public release of the documents "prejudiced the defense interests of the United States." For the first time in America's history, a newspaper was restrained in advance by the government from publishing specific articles.

After the Times was enjoined, the Washington Post, Boston Globe, Chicago Sun-Times, Los Angeles Times and other newspapers including small-city ones like the Scottsdale Daily Progress in Arizona continued to publish portions of the Pentagon Papers as a test of First Amendment freedoms of the press. At a late-night Committee hearing, Alaska's Senator, Mike Gravel, also read portions of the Papers into the public record, and a Gallup Poll showed that 58% of the American people who knew about the Papers supported the newspapers' right to publish them.

On June 30th, the Supreme Court ruled 6 to 3 in favor of publication, with Justices Black and Douglas expressing the view that "prior restraint" on publication is prohibited by the First Amendment. Justice Black said: "The government's power to censor the press was abolished so that the press would remain forever free to censure the government. . . . Only a free and unrestrained press can effectively expose deception in government."

The New York Times won the Pulitzer Prize for its role in releasing the Pentagon Papers. Other newspaper publishers who participated in their release gave each other abundant accolades for their courage in upholding freedom of the press and the right of the American people to read about "their" government's war crimes. But the Justice Department awarded Daniel Ellsberg and Anthony J. Russo a 15-count indictment carrying possible prison sentences of 115 and 35 years, and fines of \$120,000 and \$40,000 respectively. They are now in the first stages of a trial which, if it continues, will last 3-4 months and cost them approximately one million dollars.

On July 29th, the Pentagon Papers Trial was temporarily halted by an unprecedented stay granted by Supreme Court Justice Douglas so that the defense could appeal lower court rulings upholding the government's refusal to disclose the contents of a wire-tapped conversation involving one of the lawyers or their consultants. Douglas' action made this trial the first ever to be stayed after the swearing in of the jury.

In the last court session in Los Angeles after the stay, the defense asked the trial Judge, Wm. Matthew Byrne, to discharge the jury. However, since jeopardy technically attaches when a jury is sworn in, the defense also announced to a startled courtroom that it would not move for dismissal of the trial on double jeopardy grounds if the present jury were dismissed and a new one picked. The reason: "Dr. Ellsberg and Mr. Russo really do want to have a trial on the merits of the issues."

The Supreme Court is expected to decide by about October 9th whether to hear the defense petition requesting disclosure of the wiretap. If the Court declines to hear it, the trial will start again in late October and the Judge will then rule on the defense motion for jury dismissal. If the Court decides to hear the defense petition, the Justices probably will not rule on it until early next year. If their ruling is negative, the trial will start then. However, if their ruling is favorable to the defense, the trial may come to an end because the government will probably elect, as it has done in the past, to drop the case rather than disclose the wiretap. On the other hand, given the already unusual and unprecedented nature of this trial, the government may decide that the advantages of having the trial outweigh the disadvantages of disclosing the wiretap information.

In any event, Russo and Ellsberg may not be free. If the present trial is not carried through, Ellsberg and possibly Russo will very likely face other indictments. The present indictment against them covers only the period between March, 1969, and September, 1970. That period ends nine months before the Pentagon Papers became public. A Boston grand jury is still investigating the case, particularly the distribution of the Papers. New indictments are expected against new people as well as Ellsberg and Russo.

On the other hand, if Richard Nixon is not re-elected. . . .

John Kincaid
Arizona
September 15, 1972

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AN INTERVIEW WITH DANIEL ELLSBERG



Photo: Patricia Ellsberg

does the President have an unlimited right to lie?

"I worked around the shipyards for about six months before deciding to go into the Service. My mother thought it would do me good; you know, 'make a man out of me'. I thought, I'll have to go in sometime anyway—besides, there was very little employment for me on the outside. I had the same basic reasons as most enlistees, I suppose. Like, trying to escape present surroundings and not having any other way to deal with it. Some guys figure at least they won't have to worry about money for a change. And, the idea of becoming a 'hero' and a Man appealed to a lot of us. Tell me, where does a young man go, with no education or job? He sees the military as an escape-hatch but then finds out, too late, that it too has him under control, 24 hours a day."

He signed the statement, "Still struggling, Thomas Michaud."

After 40 minutes of deliberation, the jury sentenced him to one year at hard labor, forfeiture of all pay and allowances and a dishonorable discharge. However because of a prior agreement, Michaud will have to serve seven months hard labor, and get a bad conduct discharge.

—LNS

AIR FORCE CASUALTIES "CELEBRATED"

During the weekend of September 15-17, the U.S. Air Force was celebrating its anniversary. Though as a service it has only existed separately for 25 years, it justly lays claim to the history of the U.S. Army Air Force as its own. This includes Hiroshima, Nagasaki, Tokyo, and Dresden. Over 300,000 civilians were incinerated in these cities alone, as a result of Air Force bombs.

Today the Air Force is carrying out a new terrorist bombing campaign. Indochinese civilians are now becoming casualties in large numbers. Much of this bombing is planned at Hickam Air Force Base in Honolulu, Hawaii.

To bring this fact home and alert the Air Force celebrants and the people of Hawaii to reality, Donald W. Sharp and Robert C. Dickerson, II, joined the public at a carnival and air show for the anniversary. Their special message was to pour their own blood on the A-7D, an Air Force attack-fighter bomber used in Vietnam.

As the caliope music blared on, blood dripped down the side of the plane and lay in pools inside the cockpit. Ghostly handprints from the victims were added to the body of the plane.

As onlookers gaped, Sharp and Dickerson attempted to pass out statements

explaining their actions. This statement said in part: "We pour our blood at Hickam today to remind us all that the blips on a radar screen are born, have parents, play as children, love, laugh and cry, and bleed and die when our bombs and bullets are let loose upon them. The vehicles some of you drive and the papers others of you file, the fuel some of you pump and computers others of you tend make possible this tragic reality."

As Air Force security apprehended the duo, they were handcuffed, and a truckful of airmen armed with rifles drove up and "deployed". As the two were searched for napalm and pineapple bombs, onlookers were ordered to hand back statements they had taken and to refrain from taking pictures.

The government has not yet decided on what course of action to take in the matter.

—Bob Dickerson

"FAST FOR LIFE" ENDS ON 41st DAY

The six remaining people on a "fast for life" in New York City, which was directed against the war in Indochina, called off their water fast and sipped juice September 16. In a statement announcing the ending of the fast the group—Ted Glick, Val Hendy, Fr. Paul Mayer, Mike McCale, Lianne Moccia and Cookie Ridolfi—said "more than ever we feel a renewed determination and commitment to continue our struggle on through the fall and until true peace and liberation has been brought to the people of Indochina and America."

Although they said they were ending the fast in "hope and faith" in the American people, the fasters added, "We continue to feel that as a whole the level of seriousness of the American people is not commensurate with the serious crisis to which the people of Indochina are being subjected and which led us to begin this action."

The six, all of whom agreed on Friday to break the fast, had only taken water since August 6. Originally, there were fourteen members of the group, but eight were forced to discontinue, mostly for reasons of health. One of the original group was Dave Dellinger who stopped fasting to travel to Hanoi to pick up three POWs just recently released by the North Vietnamese.

During the forty days of the fast, members continued anti-war activities, including picketing and leafletting. On the 39th day they flew to Washington DC and protested at the re-election headquarters of President Nixon. In a

statement released that day, they said: "We strongly oppose the re-election of President Nixon who is a symbol of death and famine to the children of Indochina."

—LNS

NEW EVIDENCE ON BOMBING OF DIKES

"To the long controversy between critics of U.S. bombing of North Vietnamese dikes and the American Administration, it is now possible to add new elements to the available evidence," Yves Lacoste, geography professor at the University of Paris, wrote recently in *Le Monde*. They are the result of a geographical analysis of the points in the dike network that have been hit by bombs.

"If the bombs were being aimed not at the dikes but at 'military objectives' then they would be more evenly spread across the (Red River) delta. The concentration of bombing attacks on the dikes in the eastern part of the delta, which also happens to be the most thickly populated and heavily farmed area of the country, can therefore be regarded as deliberately planned, for the attacks are directed against a region where they can have the gravest consequences."

"At another level of geographic analysis, a close examination of the various sectors in the eastern delta area reveals the premeditated character of the bombing."

"The bombing was directed against the vital points of this system (of dikes and dams in southern Thabinh province), and primarily against the Lan locks. Between May 24 and July 29, the locks were bombed nine times. Even after they were wrecked, three more bombing attacks were launched against this installation, which is far from any military objective, no doubt with the intention of hindering repairs."

What must be emphasized here is that in President Johnson's time, the bombing of the dikes usually stopped before the rainy season. Under Mr. Nixon there is no sign of a halt."—J.P.



Changes!

WHALES FOR WAR

In the future, even whales may be drafted for war. This is the logical conclusion from a Navy announcement Sept. 5 of the successful conclusion of Project Deep Ops, conducted at its research and development center lab in Hawaii.

The project consisted of training whales to retrieve torpedoes from the ocean bottom, with the aid of an attached acoustical beacon. Upon returning to the surface, the whales were rewarded with a handful of small fish.

The project "has shown that a simple, highly responsive and economic-to-use system of recoveries to depth of at least 1600 feet can be developed using trained whales," said a Pentagon spokesman at a briefing. —J.P.

WRL COMMITTEE & STAFF MEMBERS TAKE POSITION ON MCGOVERN

During its 50 years of existence the War Resisters League has never taken an official position on a presidential campaign. This reflects the fact that the membership of the League draws together socialists, anarchists, liberals, and radicals who agree on the need for nonviolent alternatives to war and social injustice, but who have often differed sharply on whether to vote at all, or whether to support minor party candidates. In our view nothing would be served by presenting a formal motion to the National Committee for a vote. Whether the motion was passed or defeated, it would more likely be a cause of contention than the basis for consensus.

However we feel that members of the National Committee and the staff do have the right to speak in their own names, offering their position for what value it may have in the discussion centering around the election. This statement is not an official statement of the League, and reflects only the viewpoints of those signing it.

Because of the importance of the 1972 elections, we hope the League membership will register and vote, judging the Presidential and Congressional candidates on the basis of their willingness to end the war in Indochina, and their concern for the poor, for non-



whites, and for civil liberties for our citizens. At this time we believe George McGovern rather than Richard Nixon is the Presidential candidate most likely to end the war and take at least some steps toward compassionate change within our country.

At the same time we believe it essential that pacifists not merely ring doorbells for McGovern, but continue to press forward our own positions for total disarmament and social and economic changes more radical than presently proposed by either major party.

Finally, we reaffirm our belief that social change is generated by actions much deeper and more committed than the simple act of voting in November. The electoral process can reflect but cannot create radical social change. Voting is not, in our view, an alternative to nonviolent actions within our communities.

James Bristol	Prafulla C. Mukerji
Maris Cakars	Tracy D. Mygatt
Jerry Coffin	Jim Peck
John Darr	Margie Rece
Ralph DiGia	Igal Roodenko
Ann Davidon	Wendy Schwartz
Barbara Deming	Lynne Shatzkin
Tom Flower	Glenn Smiley
Lary Gara	Jack Smiley
Roy Kepler	Frances Witherspoon
Peter Kiger	Sandra Wolf
Mark Looney	Beverly Woodward
David McReynolds	

AUTHOR OF PRAISED BOOK AT VIGIL'S 8th ANNIVERSARY

Frances Fitzgerald, author of *Fire in the Lake*, the enthusiastically reviewed recent book on Vietnam, joined other peace people September 30 in marking the 8th anniversary of the Times Square Vigil. Among the group were six stalwarts who rarely have missed a Saturday since the Vigil first started in 1964.

With the closing this spring of *Fiddler on the Roof*, the Vigil became the longest-running show on Broadway—with no closing date in sight. —J.P.

"STILL STRUGGLING"

It became evident to me soon after arriving in 'Nam, that we really were trying to bomb the Vietnamese back into the Stone Age. What a litany of waste this war recalls: hundreds of thousands of Indochinese killed, millions more made refugees packed into miserable concentration camps; all those American brothers wasted in the bush, each VA hospital another chapter from 'Johnnie Got His Gun', and more, and more.

—Tom Michaud, in his court martial statement

Tom Michaud, a 23 year old Marine deserter was found guilty September 20 by a military court of being Absent Without Leave (AWOL). He was sentenced to seven months hard labor and was given a bad conduct discharge.

Michaud, who turned himself in to the Democratic Party and George McGovern on the floor of the Democratic Convention July 13, served in Vietnam from December 1968-May 1969. He became a "self-retired veteran" in 1969.

The defense, which conceded that Tom went AWOL, tried to present evidence which described Tom's "state of mind" at the time of his desertion which would explain why he deserted. They presented six witnesses, five of whom had been associated with the 3rd Marine Division with which Tom had served.

The military judge would only allow the witnesses to go so far and then would rule their testimony about war crimes irrelevant.

K. Barton Osborn, who was a DIA operative with the Phoenix program, which was an unsuccessful attempt to exterminate the NLF, testified about a number of the tortures used in the program. He participated in the interrogation of prisoners in which two would be taken up into a helicopter, one thrown out and the other threatened with similar treatment if he didn't talk. He also testified about how they hammered dowels into the brains of Vietnamese they were trying to get to talk.

Richard Boyle, a combat correspondent talked about other forms of resistance to the military to show that even soldiers in combat have expressed their opposition to the war. He testified about the GIs at Firebase Pace who refused to go to the front when ordered to do so. When another group of GIs were ordered to do so they also refused. This wasn't allowed into testimony.

Michaud was allowed to read a statement to the jury after he had been found guilty but before he was sentenced. It read, in part:

John Kincaid: Let's start with a question I'm sure you've never been asked. Why did you release the Pentagon Papers?

Daniel Ellsberg: "I*&@! . . . in the Fall of 1969 several developments in my life came together more or less by coincidence. I completed reading the Pentagon Papers, and that was crucial because the last part I read, dealing with the origins of the war in 1945-46 through 1954, really stripped the war of any legitimacy in my eyes. Before I read that part, I was not nearly so aware that Indochina, that the northern part of Vietnam at least, had been for all practical purposes independent for a year and a half before the French began a re-invasion of the country and a violent colonial re-conquest.

The U.S. was perfectly aware that in supporting the French, first just through our general aid and then after 1950 with direct aid totaling 78% of the cost of the French war, we were backing what amounted to a cynical French effort to re-impose its rule against the wishes of the great majority of the Indochinese. The fact that, as we suspected, Ho Chi Minh and some of his associates were communists as well as nationalist leaders didn't, of course, give that effort any legitimacy.

This threw into a different light all that came later, which I knew better than the earlier history. In particular, it gave me a new sense of urgency about ending an effort which I saw totally misrepresented as an effort to aid an ally to whom we had made commitments. I saw instead that the war was essentially an American war from the very beginning and that the violence there would never have approached the scale of war had not the U.S. financed the continuation of that violence and provided equipment and eventually direct combat support. So, I realized fully, then, that it was up to us to stop the killing immediately. Any thoughts of gaining a more graceful end that might take months or years longer were quite out of line. Efforts toward ending the war should be aimed toward ending it immediately and stopping what is a process of murder.

At the same time, I learned from some friends, associates who were still in the government all over Washington—State, Defense, the White House—and some in Vietnam, that Nixon was planning to continue this policy in a slightly different form, but with the same intent of avoiding our "humiliation" and postponing defeat indefinitely. I learned that he planned to reduce the size of our troop presence very gradually to a floor level that would be, nonetheless, very sizeable. Incidentally, he has drawn the troops down further than I or my informants expected. But that's the only way our predictions were not carried out. Apparently, the reason was the political pressure on him to reduce the troop involvement after the Cambodian invasion. In light of the Laotian debacle, it is clear that he went further than even he himself expected in '69 and further than his military advisors had ever said was safe in the face of North Vietnamese capabilities. These predictions, of course, have now been shown to be accurate in the effects of the Spring offensive this year which, if it has been stalemated, was temporarily stalemated only by using massive U.S. air power.

The other part of his strategy was to protect these remaining troops and those of the Saigon regime by threatening Hanoi with the renewal of unrestricted bombing that would go further than anything Johnson had ever done. If this should fail to produce a settle-

ment or cause the North to scale down its resistance, he would escalate by mining and blockading Haiphong. This plan was so clearly fated to fail in deterring resistance that it seems almost incredible that Nixon and Kissinger could believe it.

JK: Was their advice primarily from the military?

DAN: No, not at all, no one gave them any assurance that a plan like this would affect Hanoi's determination or, for that matter, Russia or China's support. As far as I can tell, only Nixon and Kissinger themselves had any considerable faith that threats like this could really influence the other side.

They seem to have come into office with the belief that every nation in history has had a breaking point, or to quote Kissinger more exactly, "You can't tell me that the North Vietnamese are the first nation in history to have no breaking point." This is a fairly mad interpretation of history since his own fatherland, Germany, had no breaking point under bombing nor did the British or really any country in World War II. No country in history has ever really been broken as a nation under bombing. [JK note: In an affidavit on behalf of the defense, relating to the frequency with which classified information is leaked, John Kenneth Galbraith, who in 1945 was a director of the U.S. Strategic Bombing Survey, reported that he and George Ball had then leaked information to Drew Pearson in order to counter Air Force attempts to suppress information showing the ineffectiveness of bombing].

It is not easy to fathom just where Kissinger gets his confidence in the effectiveness of such threats or operations. According to the people who work closely with him, one of Kissinger's primary intellectual commitments is the belief in the effectiveness and legitimacy of threats and the use of force in foreign affairs. It really characterizes all his policies. At the beginning of Nixon's term, when I was working as a consultant presenting an array of alternative Vietnam policies which Kissinger had requested, I discovered in talking with him that he was particularly concerned that enough attention be given to the threat of escalation.

I told him what seemed obvious to anyone who had followed recent Vietnam history that there was no basis for any kind of belief that such threats could be effective, that the leadership of North Vietnam and their followers had been resisting both threats and the practice of violence against them for over 25 years. There was no reason whatever to believe that their resistance would lessen in the next year or two under such pressure. But I really didn't pursue the point fully, simply because I couldn't believe that he took it very seriously. I thought, in fact, that he was pressing it just for a sort of academic completeness in the alternatives to be presented to the President.

Of course, the irony was that after discussion with the President, the one alternative that would have extricated us from Vietnam without a veto from Hanoi or Saigon—that was simply setting a date for withdrawal and keeping that schedule—was deleted from the set of alternatives presented to the National Security Council at its first meeting in January. Again, I thought that was pretty much a matter of appearances and did not represent a fundamental commitment or attitude on Kissinger's part. But in retrospect, the people who worked closely for Kissinger told me that, indeed, from the beginning Nixon had no intention of adopting such an extrication program. On the contrary, he believes quite sincerely and seriously in the

effectiveness of violent threats.

JK: Did Nixon carry through on any threats?

Dan: Oh yes. He sent Navy frogmen into Haiphong harbor; he sent Marines into Laos on Operation Dewey Canyon One; and he ordered bombing in Cambodia. The threat that he would use the Air Force to wipe out the North was, I understand, communicated to the Russians in mid 1969, though not to the American people. These actions convinced a number of people within the Administration that he really would carry out plans that they had already known existed. Several of them resigned when they realized this, but regretably they have chosen not to make their knowledge of these plans public.

JK: What was your role in preparing National Security Study Memorandum no. 1 on Nixon's options in Vietnam?

Dan: It was my idea to send those questions out. I wrote all the questions, all but one, strictly speaking, which was added about whether Cambodia was a significant source of supplies for the NLF. It was added by Kissinger's staff and, interestingly, led to a very sharp disagreement. The military claimed that Cambodia was an important route, really because Abrams and before him, Westmoreland, had been very anxious to invade Cambodian sanctuaries. The CIA and State were of the opinion that it was of very small importance in supplying the NLF forces. I should say that it was a supply route, but that the total amount was very small.

Since I was most familiar with the material, I was called back to Washington to read and help summarize about 1,000 pages of answers they received from all the agencies involved with Vietnam policy. This was the role of an insider and I thought that informing a new President of the range of uncertainties and controversies within the Administration was a useful mission to perform, especially so that he would not be hypnotized by some of the optimistic reports from the field and other quarters. Ironically, of course, the President ignored all this information and chose, instead, a policy of postponing defeat and prolonging the war.

So, as I was saying earlier, in the Fall of 1969, I simultaneously saw that the war required very urgent action to end it and that without such action it would not only continue, but re-escalate to levels approaching and even exceeding the violence of the Johnson Administration. Something had to be done. The question was: What could help? and What should I be prepared to do? From what I had been told, I was confident that the public impression that Mr. Nixon would end the war was mistaken. But I didn't have documentary proof. I did, on the other hand, have documentary proof that the public had been misled in almost identical fashion by earlier Administrations going all the way back to Truman. Each had lied to the public about their intentions; the scale of our involvement and the nature of our continuing the war.

So I felt that releasing this information to Congress, and through them to the public, might help the public take action. If, at that stage, before Nixon publicly committed himself to the policy I had heard described privately, there was public discussion of the deception and manipulation that had accompanied our involvement from the very beginning, the political environment might be changed so that Nixon would be tempted to change his plan and to accept extrication.

This particular plan of mine was frustrated by Nixon's announcement in October that he was going to

make a major policy speech. Because of this announcement, the hearings of the Senate Foreign Relations Committee, at which I had been invited to testify and had planned to present the Pentagon Papers either in Executive session or through my own testimony, were postponed. After Nixon's speech which described his Vietnamization program very deceptively without out-and-out lying, the hearings were postponed indefinitely.

JK: Did you still take the Papers to some members of Congress?

Dan: Well, at that point, I had given them to the Senate Foreign Relations Committee. But it did not appear very hopeful that present policy could be influenced by revealing past history because the public seemed fairly convinced that Nixon had adopted a new policy. That attitude was also shared by some members of the government and persisted until Cambodia at which time Fulbright again scheduled hearings. I did testify at that time [May 13, 1970], but no hearings were held on the Papers.

There seemed little hope then for using the Papers effectively, changing the public mood or otherwise affecting policy until events had convinced, or at least opened the minds of the public, to the fact that Nixon was going to continue to escalate and that Cambodia was not just a one-shot aberration in policy. After the Son Tay raid and the renewal of the bombing over the North toward the end of 1970, that possibility again began to appear and the urgency of doing whatever might help arose. So again, I had to look for other outlets in the form of individual Congressmen and eventually the newspapers.

JK: Who in Congress did you approach with the Papers?

Dan: Well, I don't want to go into details of that; that'll come up in later indictments no doubt. The Boston grand jury is still investigating the distribution process. I'm not inclined to help along their prosecution efforts. There has been mention of various trans-actions, but this has come almost entirely from the other people involved.

In the Spring of 1971 it seemed clear to me that Nixon was almost reproducing the policy and strategy of 1964-65 in his plans for pressure on the North. There was also the same atmosphere of manipulation, lying and (virtually) conspiracy in the upper levels of government—conspiracy with regard to the public, the Constitution and international law. This word is often abused, and I don't say it casually or for effect. In this case it is certainly justified. The important point to be made is the conspiratorial style which has characterized the decision-making of the Nixon Administration and all previous Administrations with respect to Vietnam and, no doubt, many other matters—in other words, conscious deception and concealment of actual plans and actions from Congress and the public, in clear recognition that the Constitutional role of Congress and the public role in the electoral process was being subverted.

I hoped that publication of the Papers would lead the public to understand the very painful news of how we had been deceived and manipulated. I hoped that the public would be ready to recognize that the same process was taking place again so that the public would act through Congress and otherwise—demonstrations and other expressions—to force the President to change his policies.

Incidentally, when people feel that it failed in this respect, I think they've forgotten the very strong pub-

lication of the Papers, his reporting talent fully emerges. Drawing upon his experience in covering the Justice Department and court system for the *Post*, Ungar illuminates the ironies and capriciousness which characterize American justice. He takes us through the almost identical court cases in New York and Washington where judges reached polar decisions; he relates how grand juries have been misused to suit the purposes of the Nixon Administration; and he describes the widely varying interpretations of the law by the Supreme Court Justices.

Ungar concludes that "according to the textbooks, the law is abjective and consistent; but in practical fact its evolution and application are a very random matter, depending largely on those charged with deciding specific issues." Having read earlier the book about Chief Justice Warren E. Burger answering his door with gun in hand, we can only nod in assent. Can there be any wonder about why our Lady of Justice is blindfolded?

A main criticism is that Ungar's book does not deal with the content of the Pentagon Papers in more than a cursory



THE PENTAGON PAPERS & AMERICAN DEMOCRACY

Conversations with Daniel Ellsberg
(31 minutes, B/W, 16mm)

"*Distrust your leaders*" Daniel Ellsberg tells us in this brief defense of his betrayal of the Pentagon's secret policies toward Indochina. Ellsberg's modesty and hard sincerity make his *Distrust* stick to the conscience long after the film is over.

The film is a conversation with Ellsberg in his livingroom. He merely sits there, elbows on knees, looking a bit like Norman Mailer, and tells his personal story with such marvelously honest diction and intense faith in his own action that only an ambivalent, fork-tongued California lawyer could doubt the selflessness of Ellsberg's betrayal.

Folded into the conversation are clips of Ellsberg on the front lines in Vietnam with men dying around him, of Detroit under siege on the day he returned home to see his father there (amid dead blacks lying in gutters), of Ellsberg addressing a hushed rally, and of the Rand Corporation

way. But then, neither did the newspapers; and that gives us a valuable insight into the nature of the U.S. news industry. The papers only became excited about the Papers after an American newspaper (the *Times*) for the first time in history was given a restraining order against the publication of a particular article. It should not be forgotten that this was also the first time in history that an American paper graciously obeyed such an order.

In the end the Supreme Court decided 6-3 that the *Times* and *Post* could not be restrained from publishing the Papers. But it was a hollow victory for the press. Ungar quotes one Justice Department official as saying: "We proved one thing emphatically, that there *can* be prior restraint of publication while a case is being reviewed in the courts."

While we can be happy that, at least, there was not a clear defeat for freedom of the press in the government's attempts to suppress the newspapers, we can only be angered that the papers still report the Vietnam war as if they never read or understood the Pentagon Papers they printed.

—Len Ackland

handing over his now famous study of our 25-year involvement in Indochina which was made for the Senate Foreign Relations Committee. Also shown are rare shots of caves and underground homes where North Vietnamese families huddle, eat and sleep in pitch darkness, rather than lose their homeland to the American invaders.

The picture's subtheme is the role of the North Viet guerrillas fighting much like the American Minute Men resisting the troops of George III from hedgerows and corpses. It's a much used but still stirring comparison—that they are just as willing to die for their farms and villages as we were for American Democracy. As Ellsberg makes clear, they are dying for a reality stronger than ideas, even Communist ideas: when your home is invaded, you fight.

Ellsberg outlines the history of our Pentagon policies toward Vietnam. The government asked the Rand Corporation to make the study and Ellsberg became one of the chief students. In the end, only he and one other man had mastered the field of information. His Rand study showed the Joint Chiefs of Staff consistently girding for war in Indochina for 25 years. At the last moment the study was withheld from President Nixon because the President was about to make a new war policy speech. He announced de-escalation. Ellsberg's friends in the Pentagon, close to Nixon, told Ellsberg about the President's utter lack of intent to follow-through on de-escalation. So Ellsberg betrayed Nixon's forked tongue to the press.

Still, Ellsberg says, one cannot dump the blame entirely on Nixon for our failure in Indochina. No president, he says, has had the *courage to fail* and withdraw. Each president is corrupted by the power of secret decision-making.

In a program note, Ellsberg comments, "Since this film was made, as foretold in the interview and speech presented in it, the President has once again escalated the war."

I might add that Ellsberg never uses rhetoric, never calls the war obscene, never vents himself on the President or the Pentagon. He never clouds the issues with vindictive emotions. His every word has a ringing, tempered quality—a spirit somehow more persuasive than words.

This film is available from American Documentary Films, 336 W. 84th St., NYC 10024. Rental \$50; purchase \$250. Widespread distribution is hoped for before the election.

—Donald Newlove

(during a Presidential election year), since this is a whole dimension of policy consideration that is often discussed at higher levels but almost never written down for fear of leaks both within the government and to the public. . . . Indeed, a major function of a special assistant, I soon learned, is to deal with what cannot be written down. . . .

In the final pieces Ellsberg discusses the bombing and the question of war crimes. At one point he quotes Brigadier General William C. DePuy as saying in 1967: "The solution in Vietnam is more bombs, more shells, more napalm. . . till the other side cracks and gives up. . . . I don't have much faith in our firepower, only in our firepower." The last piece deals with "the responsibility of officials in a criminal war." Again Ellsberg focuses on the Cold War mentality and the degree to which it provided American policymakers with an ideological-moral basis for doing whatever they pleased almost without limits. In fact, it is on the question of limits that he raises the most frightening issues.

The obvious fact that in any given situation, we could annihilate an opponent with nuclear weapons, or even with conventional weapons, produces an almost inevitable feeling among what Richard Barnett calls our "national security managers" that we cannot be doing anything so wrong as long as we refrain from that. As . . . Konrad Kellen, has put it to me, this attitude among high officials can go even further: that an opponent like North Vietnam should feel gratitude to us, and at the very least should give us the small concessions that we are demanding at the moment, simple appreciation of the fact that we have not yet unleashed the full weight of SAC B-52's or of nuclear weapons upon his cities and population.

Ellsberg quotes Albert Speer in this chapter which is otherwise on his own genuinely introspective reflections. But perhaps the why of Daniel Ellsberg in and out of the Pentagon will come later when he has more time to think about it. For the time being he is too busy trying to help end the war and defend his freedom against Nixon's emerging post-Constitutional regime.

The ordinary party member was being taught that grand policy was much too complex for him to judge it. Consequently, one felt one was being represented, never called upon to take personal responsibility. The whole structure of the system was aimed at preventing conflicts of conscience from even arising.

—Albert Speer —John Kincaid

THE PAPERS AND THE PAPERS

Sanford J. Ungar

New York: E.P. Dutton, 1972

\$7.95 hardback, 319 pp.

Sixteen months ago, *The New York Times*, followed by papers around the country, began printing the secret Pentagon Papers officially entitled "History of U.S. Decision-Making Process on Viet Nam Policy." Yet, today, these same newspapers along with radio and TV media persist in portraying the war as one between a marauding North Vietnam and a helpless South Vietnamese democracy aided by a slefless, if tired, Big PX across the Pacific.

It comes as no surprise that the news media have virtually ignored the contents of the Papers; in fact, we're lucky the Papers were printed at all. Until two days before the *Times* began publishing the Pentagon Papers on June 13, 1971, a fierce battle raged inside the paper's power structure about whether or not the Papers were news "fit to print." This

and much more is documented in Ungar's fast-moving and meticulously researched account of *The (Pentagon) Papers* and *The (News) Papers*.

At the *Times*, the ultimate publication decision lay with publisher Arthur Ochs Sulzberger. Lined up against publication were Sulzberger's aides like Harding Bancroft, a former diplomat devoid of newspaper experience, and members of the Wall Street Law firm, Lord, Day and Lord, who handled most of the *Times*' legal business. These men feared that by printing this sensitive and embarrassing history of the war, classified top secret, the *Times* would face legal action by the government.

Not that there was anything unusual in the *Times* printing classified material. In the often incestuous press-government relationship it is standard procedure for high officials, including the President, to leak classified information to further their political ends. But the Pentagon Papers were different. In Ungar's words: "What was enlightening about the collected Papers was the total picture they presented of the United States planning and waging an arguably illegal and undeniably immoral war, all in the name of 'peace.'"

Arguing for freedom of the press, and thus for publication, were the *Times*' reporters, including Neil Sheehan who had received the Papers in late March; the *Times* general counsel; and James Reston, whose own career had been made when the State Department leaked the Yalta Papers to him in 1954. Reston even threatened to publish the Pentagon Papers in his own Massachusetts newspaper, the (Martha's) *Vineyard Gazette*, if the *Times* balked. Sulzberger finally agreed to publish, but limited the space allotment to six pages a day so the *Times* would "not appear to be going overboard."

The *Times*' major competitor, the *Washington Post*, had the "humiliating chore of rewriting what had already appeared in the *Times*." "As intense competitors, the *Times* and the *Post* have a permanent arrangement with United Press International: every night, as soon as the early editions hit the street in New York and Washington, the UPI wirephoto service transmits to each newspaper an instant photograph of the other's front page." But the *Post* got the Papers in a cloak-without-dagger rendezvous in Boston after the *Times* publication was halted by a court order. A debate strikingly similar to the one at the *Times* then ensued in Washington.

An added element in the *Post* debate was the corporate issue. As Ungar, himself a *Post* writer, points out, the *Post* is the epitome of a communications conglomerate. The Washington Post Company is full owner of *Newsweek* and *Art News* magazines, three TV stations, three radio stations and has numerous other holdings. Lawyers for the *Post* feared that government action could be detrimental to the company's corporate holdings. After resignation threats from a prestigious writer and editor, publisher Katherine Graham decided in favor of publication only five minutes before the printing deadline for the June 18 issue.

The press was not the first place tried by Dan Ellsberg. Once he and his RAND colleague, Tony Russo, finished duplicating the Papers in October, 1969, he set off on a mission which make Diogenes' effort pale in comparison. Ellsberg first searched the dark halls of Congress since he had been advised that the umbrella of Congressional immunity would ease the possible legal consequences of releasing the Papers. But Senators Fulbright and McGovern and Congressman McCloskey all found excuses for not making the history public. Eventually, Senator Gravel of Alaska would be the single member of the club to take the risk of giving the Papers to the American people.

Ungar traces all these steps in readable, sensitive detail, but when describing the court battles which followed pub-

lic pressure that did come to bear on Nixon in the months after the Pentagon Papers were revealed. I would say that the standing and viability of his policy were very uncertain at that point. Politically, he was in bad shape. Only the announcement of the China trip which was, after all, a fairly spectacular, dramatic one for a man like Nixon, only that really managed to shut off the controversy that arose over the Papers. Regrettably, of course, in the next year he did truly use the dramatic events of the China and Russia trips to gain a free hand to continue the war. He has been pretty successful in that and has had a good deal of cooperation from the media (who had been under very conscious attack by Agnew and others in the Administration) in allowing him to make an enlarged war in Indochina an invisible one with respect to the public.

Well, I have explained what I saw as the tasks that needed doing and why I thought the publication of the Papers would help. Although I never imagined that there was any great assurance about their effectiveness, I thought it was worth trying.

Another part of the calculation had to be what I was willing to do, since each step of this rather long process, which took about a year and a half, involved new chances of disclosure of what I was doing. I was very aware from the beginning that the Administration would very likely try, and for all I knew, even succeed in prosecuting and imprisoning me to deter others from exposing these lies. I should also say that at the very beginning of this process I had been divorced for several years and had not gotten together again with my former fiancée, Patricia. But by the Fall of 1969 we were together and a major part of the risk I had to face was the very heavy burden of being separated, especially after we got married in August, 1970.

The other side of the question was what events had made it possible for me to choose to do what had to be done in terms of my capabilities. Here the influence and examples of some friends from the general anti-war movement—including a lot of people familiar to WIN readers—were clearly crucial. I met a number of them for the first time at a conference sponsored jointly by Princeton and the American Friends Service Committee in the Spring of 1968. It was a conference that started in a very jubilant mood because it took place after President Johnson's announcement that he would not run for re-election and would attempt to negotiate and cut back the bombing of North Vietnam.

But the conference ended in a very despondent mood with the assassination of Martin Luther King who was known to many of the people at the conference and whose spirit dominated the thinking of many people there. In my own life that event was bitterly ironic because in the course of that conference, I had discussed a great deal the potential that King's approach had for changing our society. I felt the loss much more personally and deeply than I might have because I had just come to think of him as a major hope.

Then in the course of the 1968 campaign I came to see Robert Kennedy as a hope, not only for ending the war, but also for moving along the liberation of many people who were oppressed in our society. His assassination was even more of a blow, as I had gotten to know him.

Meanwhile, I had become close to a number of people at the conference who suggested a good deal of reading for me including Joan Bondurant's *Conquest*

of *Violence*, Gandhi's autobiography and Martin Luther King's *Stride Toward Freedom*. That set me to reading a good deal about Gandhi and nonviolence in the Fall of 1968 and throughout 1969. I was increasingly impressed by this, particularly the emphasis on truth, honesty, openness and truth-telling, both in thought and action.

As someone who had always placed a very high value on honesty, discovering the truth, understanding problems and speaking very honestly within the context of my research and employment—which meant speaking essentially to colleagues and superiors and not particularly to the public or others outside the Executive Branch—I was challenged by the notion that it was not enough simply to understand or to communicate to one's colleagues or the sponsors of research or, in this situation, to ignore the purposes one was serving. This immediately threw into question my willingness to limit what I knew to RAND colleagues or the Defense Department.

Really, in hopes of learning more about what people who were committed to this way of life were like I attended, again at my own expense and on vacation time from RAND, a triennial conference of the War Resisters International at Haverford, Pa. Since I was coming out, Dave McReynolds called me at RAND and suggested that I give a talk at the conference. It would be interesting for them to hear from somebody from RAND. At that time I wasn't willing because it would have been pretentious of me to speak on the subject to people there. I had really just begun to study it and felt very much that my own understanding was in evolution and was not what it would be in a while.

My real intent was to learn from them and to see what sort of people they were. In particular, I wanted to see whether the stereotypes of pacifists and anti-war activists had any validity—namely, that they were guilt-ridden, fanatic extremists. I picked those words, by the way, because they are words I'm familiar with; you know, they're words that are applied to me very often. I don't remember whether they are the words I really had in mind but, in any case, I found a great variety of people there of all ages and from many countries. I spent a fair amount of my time on the usual arguments that pacifists get into—pressing people about the fate of the Jews, the legitimacy of French resistance in World War II. I did meet Pastor Niemöller at the conference and had a very good conversation with him and, well, I could talk about the conference quite a bit and its effect on me, but it would take a fair amount of time.

The main influence, though, was the impression made on me by Randy Kehler whom I met briefly during the conference and liked. He gave a talk filled with hope about the growing understanding of nonviolence, especially among young people. But in the talk, he mentioned almost casually that as a result of his own expression of nonviolence, he would be going to jail very shortly as had others at the conference. His announcement came unexpectedly and was very shocking indeed. I had just been thinking, as he addressed his audience mainly of older people, that I was glad they recognized him as among the best America had, and to be jolted from that thought by the news that America was about to put him in prison was very stunning.

I talked with him later and also with Bob Eaton who actually went to prison during the conference.

We adjourned for a morning to do a vigil outside the Post Office building where he was sentenced in Philadelphia. That was the first picket line, vigil, that I had ever taken part in. For two years, I had been working one way or another, mainly from the inside, to end the war as a consultant in research and what-not for the Executive Branch and various Presidential candidates in 1968. My views were quite well known to insiders. But the idea of crossing the line and sort of projecting myself to outsiders was something that I had doubts about because I did know very well that you can't be both an inside and an outside critic.

One can do a great deal of criticism on the inside, much more than observers guess. You can be fairly blunt in criticisms of policy and still get ahead and be listened to on the inside, if you are sufficiently reliable in keeping your criticisms within the family and not joining outside pressures, that is, the "enemy"—Congress or the press or the public. I guess the rationale for it is, in part, that to express criticisms to the outside is to jeopardize the jobs of your colleagues or, more broadly, the political life of the Administration, whereas to express yourself however bluntly on the inside is a way of changing policy without jeopardizing political lives.

But, in any case, I knew I couldn't do both and, thus, to stand in this picket line was not only unfamiliar to me, but a kind of gesture that was the first step toward ending my professional career. As the same time, I found it psychologically very liberating to conquer the small worries of humiliation, ridicule and risk to one's job that are involved in declaring yourself publicly. It frees you from being so effected when it comes to future expressions.

So, I now had a direct example in mind of young Americans who were willing to risk and even sacrifice their freedom to resist collaborating in a war that I also felt was wrong. In my own mind, I immediately connected their danger with danger that I was very familiar with and had been part of in the lives of men in combat who really exhibit physical courage almost routinely in support of their country's policies and the safety of their friends. It's a kind of danger that people aren't expected to see or show in civilian life. I realized that, in the same spirit of dedication and courage, these young men were doing what they had to do to resist the war absolutely and that I had no excuse for doing less. In short, that made me open the list of "options" that I ought to consider to include those that involved a greater risk. Rather quickly, of course, I turned my attention to releasing the Pentagon Papers.

So when people ask me how a person comes to change his or her life this much or to take risks of this sort, I feel that personal examples play a great role. In my case, I did have these examples largely from the AFSC and WRI ranks. Incidentally, three years have passed since their Haverford conference and their triennial conference has again been held, this time, in England. I wasn't able to attend because I was on trial, but during the pre-trial period I received a letter from the conference signed, as far as I could tell, by everyone there including Pastor Niemoller and Randy Kehler, who is now out of prison. It was a very, very welcome message.

By the way, I once visited Randy in prison along with Patricia (I also went another time by myself) because I wanted to reassure her about the risks we were running, and for her to see that a man could be free,

even in prison, and that prison wasn't anything to be frightened of. I was pretty sure Randy would display that, and he did.

Of course, I didn't want her at that point to be implicated by reading the Papers before they were released. So she really had to take on faith my conviction that it was worth doing, that the risks were worth taking and that it might accomplish something. She did have doubts occasionally because I was having trouble getting any other member of the Establishment to help release them. She had to ask: How can you be sure this is worthwhile because, after all, these other people people are mature, dedicated people and they don't seem to agree? All I could say was: They haven't read the Papers. I'm the only one who has and I can't blame them for being mistaken, as I see it, in their assessment. I was, of course, disappointed that I couldn't get anyone to read them, but since I was the only one who had read them, I had to trust my own judgment. Then Patricia trusted my judgment. In the end, when she was able to read them, her reaction was very strong. She just said, "You had to do it!"

JK: Is there a reason why you did not release the negotiations volumes?

Dan: Yes, I wanted to get in the way of the bombing and killing, not the negotiations. I thought that the Administration would use that exposure as an excuse for the lack of success in negotiations. Actually, they would have revealed that there never had been any real negotiations because they were never prepared to accept a settlement short of what the other side would have to regard as a defeat. And it would be a defeat! But even so, the revelation of negotiating channels might possibly have harmed some private negotiations or, at least, the Administration would almost certainly claim that. So I felt that the disadvantages of releasing them in this case outweighed the advantages.

By the way, I think that no longer applies since the Administration itself has unilaterally revealed its own private negotiations with the other side. I now think that in general there would be no harm and a good deal to be gained by the public having that information. I haven't re-read those volumes for some years so I won't make that statement about every page and paragraph. But, in any case, the government, the Justice Department, is making the decision on its own because they have included those volumes in the indictment and apparently are going to present them as evidence.

JK: The portions released by Jack Anderson were rather favorable to the Administration.

Dan: Yes, I suspect that it was a direct Administration leak. In particular, they seemed to favor Henry Kissinger to very distorted degree. That suggests that what Anderson got was a memo prepared on the basis of the negotiations volumes, but prepared within the White House, probably by Kissinger's staff, for Nixon. It would be in the spirit of such memos to present Kissinger's own earlier dealings in a very favorable light.

JK: What do you think should be our next steps if Nixon is re-elected?

Dan: I definitely think he will continue the war and will postpone defeat and may well escalate the war in terms of bombing. I think, and I don't say this casually, that there is a real possibility that he would ultimately be led to use nuclear weapons. I say this, not on the basis of special information, but because of the public record of his own belief in nuclear weapons and the very unusual belief in them by Henry Kissinger.

- (b) Bomb North Vietnam;
- (c) Commit U.S. combat troops to Vietnam;
- (d) Commit U.S. combat troops to Laos or Cambodia;
- (e) Institute wartime domestic controls;
- (f) Destroy Hanoi or Haiphong or the dike system, or mine Haiphong harbor;
- (g) Mobilize reserves;
- (h) Assume full, overt administrative authority and military command in South Vietnam;
- (i) Invade North Vietnam;
- (j) Use nuclear weapons.

Ellsberg traces Rule 1 to McCarthyism, the Cold War and, in particular the impact of the "fall" of China in 1949 on American policies toward Indochina. It was then that John F. Kennedy said to his fellow Congressmen: "...over this weekend we have learned the extent of the disaster that has befallen China and the United States. The responsibility for the failure of our foreign policy in the Far East rests squarely with the White House and the Department of State." Ten years later, Kennedy found himself hung by his own petard.

By trying to obey the very ambitious Rule 1 without breaking Rule 2, Presidents are led into what Ellsberg calls "the Indochina bind." In order to extricate themselves from the bind, Presidents have to "go slow and small", announcing very limited, incremental measures while claiming that they are "adequate to achieve ambitious publicly announced goals." "By doing so, they win public support for programs that will, in fact, assure avoidance of short-term defeat, though probably not much more than that; at the same time they avoid public pressures that could result from frankness on prospects, pressures either to take much riskier measures to win and get the problem over with or to get out of Vietnam, accepting a defeat that might cut losses for the country but might mean eventual disaster for the Administration..."

Therefore, "the Presidents conclude, the public must be lied to: about what the President's decision is, what advice he rejects, what he was told to expect, what he foresees and intends for the future." "Thus all these documents and opinions had to be concealed, by secrecy and deception."

The essence of Rule 2 is the prohibition against U.S. ground combat troops. But Ellsberg stops short (partly because of the time of his writing this piece) of explaining the full ramifications of the extended Rule 2 which has been so enormously flexible, especially under the Old Cold Warrior, Nixon. The political pressures against Johnson and Nixon to withdraw troops has been effective, but not against the bombing and automated warfare. Perhaps, then, Rule 2 should be refined to read: Do not expend American lives in enforcing Rule 1. In that case, the President clearly has plenty of options within extended Rule 2 to annihilate the other side. But, then, with the advent of sophisticated, remote-controlled, military technology "the Indochina bind" which characterized the decision-making of Truman, Eisenhower, Kennedy and Johnson is fairly well resolved under Nixon who is just beginning to perfect what might now be called "the Indochina blind."

Johnson's bombing program, though quantitatively less than Nixon's, was more visible because large numbers of Americans were also being killed. That Nixon has been able to make his war almost invisible and, apparently, less repugnant domestically, by lowering American deaths, withdrawing troops, and reducing draft calls is, in part, corroborated by John Mueller's study of opinion polls on the Korean and Vietnam wars in which he found that public support for a war is a "function of the logarithm to the total number of American casualties. . . . everytime American casualties in-

creased by a factor of 10. . . support for the war dropped by 15 percentage points."

Furthermore, the introduction of the Electronic Battlefield in Indochina has vastly increased the emotional distance between American weapons and Asian deaths. Since other observations have revealed that about 75% of America's soldiers do not fire their weapons directly at people in battle and that "the average firer will have less resistance to firing on a house or a tree than upon a human being" (S.L.A. Marshall in *Men Against Fire*), General Williamson's oft quoted comment about the Electronic Battlefield makes more sense as being an attempt "to avoid having the American young men stand toe-to-toe, eyeball-to-eyeball, or even rifle-to-rifle against an enemy. . . . How less painful it is to use firepower to fight him at a distance." This, combined with the above, may be said to constitute "the Indochina blind."

Nixon has also been successful in exploiting what Ellsberg recognizes as central loopholes available "to a patriotic and resolute Administration willing to rely on Asian allies and the threat or use of U.S. airpower. . ." Nixon's allies take the forms of mercenaries and Vietnamization. Through the propaganda about the Vietnamization program, Nixon has put the Vietnamese in the position of mounting an offensive to expose the farce of the program, but in so doing, Nixon has been able to make political hay by calling it an invasion and using it as another excuse to escalate the bombing. Thus, Rule 1 is covered and its motivating pressures even reinforced in such a way as to increase the President's operational space within Rule 2 as evidenced by his moving up to "f" on Ellsberg's extended Rule 2 scale.

In this book Ellsberg focuses on this stalemate model of Presidential decision-making, descriptive case studies, and other miscellaneous themes. He omits race, class and economics in his discussion of the factors influencing Presidential decisions. However, these are, as he notes, hard to get at concretely because they are the most secret factors in policymaking.

My inferences on domestic political considerations, for example, came initially almost entirely from personal experience, particularly as a special assistant

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hoped for a re-unification of Vietnam under the rule of Diem's southern regime.

Of course, when Ellsberg joined Lansdale's team, he was not aware of Lansdale's earlier exploits in subverting the Geneva Accords and starting the war. It is to Ellsberg's credit, then, that his intellectual tools helped him to see very quickly that:

the U.S. Government, starting ignorant, did not, would not, learn. There was a whole set of . . . institutional "anti-learning" mechanisms working to preserve and guarantee unadaptive and unsuccessful behavior: the fast turnover in personnel; the lack of institutional memory at any level; the failure to study history, to analyze or even record operational experience or mistakes; the effective pressures for optimistically false reporting at every level, for describing "progress" rather than problems or failure, thus concealing the very need for change in approach or for learning. Well, helping the U.S. Government learn—in this case, learn how to learn—was something, perhaps, I could do; that had been my business.

In doing this:

I came to spend much of my time driving the roads on personal field trips—and on some occasions, accompanying, in order to observe, Vietnamese or U.S. troops operating in jungles and rice paddies—simply because there was no other reliable way to get at realities screened out by successive "progress"-hungry headquarters as field reports flowed upward.

In this vein his essays, "Visit to an Insecure Province" and "The Day Loc Tien was Pacified" are excellent.

By this time he came reluctantly to the conclusion that the war was stalemated.

The process of reaching these conclusions was, quite simply, the most frustrating, disappointing, disillusioning period of my life. I had come to Vietnam to learn, but also to help us succeed; and the learning was as bitter as the failure.

Ellsberg also realized that:

To all the anti-learning mechanisms operating at the field level, the high-level decision-making process adds the barrier of extreme secrecy. My earlier study of crisis decisions had reflected and confirmed my conviction that a prerequisite to improving the government's performance was that it become self-aware, that it begin systematically to discover and analyze its own "hidden history."

So, when he returned to the States, he proposed two sorts of studies to McNamara: "a set of case histories of field projects in Vietnam; and a high-level study of U.S. decision-making in Vietnam. . . ." A few weeks later McNamara himself proposed the Pentagon Papers.

When the Papers were completed under the leadership of Leslie Gelb (with Ellsberg playing a minor role in their preparation) and he received authorized access to them, Ellsberg approached their study with the quagmire theory which had become widely accepted, even in dove circles. The quagmire theory holds that the U.S. stumbled into Vietnam with good intentions and got bogged down by misinformation and Presidential gradualism. As Arthur Schlesinger, Jr., put it:

. . . the policy of "one more step" lured the United States deeper and deeper into the morass. In retrospect, Vietnam is a triumph of the politics of inadvertence. We have achieved our present entanglement, not after due and deliberate consideration, but through a series of small decisions. It is not only idle but unfair to seek out guilty men. Each step in deepening of the American commitment was reasonably

regarded at the time as the last that would be necessary. [The Bitter Heritage: 1968, p. 47]

Even on the face of it, without the insights of the Pentagon Papers, this theory is suspect. Twenty some years is a long time for even the Executive Branch to be practicing the innocent politics of inadvertence. Of course, the theory provides a very convenient basis for avoiding the crucial issues of aggression, crimes, and guilt. When Ellsberg tested the theory against the Pentagon Papers, it failed. Instead, he discovered what any person can now see for him or herself that American Presidents were deliberately operating a "stalemate machine" in efforts to postpone defeat and humiliation in their criminal war of aggression against the Vietnamese.

The principal case study in this test is the Taylor/Rostow mission to Saigon in the Fall of 1961 which is the same example used by Schlesinger to typify the quagmire model. From all the press reports about the mission, the public "could only conclude that Taylor and Rostow had recommended against sending combat forces and had assured the President that the lesser measures he adopted, which did not include combat units and which allegedly encompassed their recommendations, were adequate to meet U.S. objectives."

But, as the documents in the Pentagon Papers show, according to Ellsberg, "Taylor came back to tell the President that the situation was 'serious but not hopeless': i.e., not hopeless if and only if the President promptly dispatched sizeable U.S. combat units, with the understanding that more troops, and bombing of the North, would probably be required as later steps." Taylor reported that the sending of ground combat troops would be "an essential action if we are to reverse the current downward trend of events."

"In fact," he reported, "I do not believe that our program to save South Vietnam will succeed without it." He suggested an "initial size" of about 8,000. Furthermore, the Joint Chiefs of Staff, Robert McNamara and his deputy, Roswell Gilpatric, also agreed substantially with these recommendations.

But Kennedy chose stalemate by sending only advisors, knowing full well that this step was inadequate. This decision, says Ellsberg, is characteristic of all the major escalation decisions: the initial \$10 million commitment to the French in 1950; the rejection of direct entry into the French war in favor of support for Diem in 1954; the overthrow of Diem in 1963; the decision to bomb the North in the Fall of 1964; and the decision to bomb the North steadily in 1965.

The stalemate machine is guided by two political gyroscopes locked in different directions: 1) "Do not lose the rest of Vietnam to Communist control before the next election" and 2) "Do not commit U.S. ground troops to a land war in Asia, either."

The standard resolution of this dilemma has been . . . to turn away from long-run aims and the measures associated with them, concentrating almost exclusively upon the aim of minimizing the short-run risk of anti-Communist collapse or Communist takeovers. . . the policy relies heavily on means that do not raise domestic apprehension and opposition—e.g., military aid, covert actions, "advisors"—but it also includes those types of actions restricted under Rule 2 judged by the President minimally necessary to this short-run aim. Their acceptability and probable sequence of adoption are roughly in the order listed below.

Rule 2 (extended): Do not, unless essential to satisfy Rule 1 in the immediate or an earlier crisis:

(a) Bomb South Vietnam or Laos;

His first academic success came from a book [*Nuclear Weapons and Foreign Policy*, 1957] that promoted nuclear weapons in foreign policy.

So, if Nixon is re-elected by a landslide with heavy Congressional support, I would find it very difficult to say what course of action would hold any promise of ending the war. That's why I feel that this election is of very, very crucial importance for this country and for Indochina. I think that the reservations some people have had about working hard for McGovern, because of his human limitations, are not appropriate. As far as I can see, the choice between the two candidates seems to be very sharply the choice between war and peace in Indochina. I really cannot think of any other way to save the Indochinese from many more years of bombing that is even remotely comparable to trying to dethrone Richard Nixon.

JK: How is it that liberal, Harvard-educated, urbane men can become so involved and wrapped up in this whole process or conspiracy of lies and brutality?

Dan: I think Albert Speer's comment on this is very apt—that there is, unfortunately, no necessary correlation between intelligence and decency. I wish that Speer's memoirs [*Inside the Third Reich*] would be read by more of these people because some of them hold jobs comparable in importance and power to his. My mention of his memoirs in my book seems generally to be misinterpreted as though I were comparing myself to Speer. That would be unrealistic and pretentious. I really had no such thought. Speer was, after all, the number two man in the regime and had far more influence on policies than I. What is important here is what Speer had to say about the motives

that lead men to ignore their own decent impulses, their own doubts about an obviously brutal and murderous policy and, indeed, to continue their involvement in it. I think that almost anyone who has served the government in any capacity from stenographer to Secretary of Defense can learn a good deal from his reflections. Combined with ambition, habits of obedience and giving the leaders the benefit of the doubt, the opportunity to work for and with power is a seductive lure. Everyone wants to ignore what is actually being done, what one is actually participating in now in the hopes of someday being in a position to exert some humane influence on policy, to give it a push in a better direction. In staying within the machinery of power it is just impossible to disentangle your more selfish interests from the more altruistic. The net effect is to keep people silent in the presence of what they really know to be lies and terrible inhumanity.

JK: What has been your experience in talking with people about the Pentagon Papers? Are people willing to believe that the President and his advisors lie, or has there been a process of denial, a refusal to believe even the Pentagon Papers?

Dan: It seems to me that the patterns of Presidential deception are quite widely accepted as a result of the Papers, and people hardly even bother to argue about it. On interview programs, for instance, I find that interviewers, who are very prudent politically and bureaucratically, don't hesitate to speak of Presidential deception in ways they would never have dared to a year or two ago.

Photo: A Thousand Words



What I would draw from my own experience at this point is a very considerable rise in people's willingness to accept it as fact. Regrettably, there is a tendency to accept it as a fact of life and not to take any responsibility for changing it. There is a widespread reaction: well, all right they do it, but then doesn't everybody? I think that more discussion and education is needed on this point.

I've just begun raising the question: Do you think the President has an unlimited right to lie? Now I don't think that question is yet a familiar one to people. But, I'm pretty hopeful by the reaction to it. It is an absolute conversation stopper. I find that an interviewer or someone in a discussion is likely to go absolutely blank at the question. The defenses have not yet mobilized in support of the proposition that the Presidents have an unlimited right to lie.

Then, of course, the next question is; If you don't think they have such a right, how should we set about limiting their actual practice of lying? You can't rely on them to do it. The most recent example in people's minds is the Watergate investigation being conducted entirely by the Justice Department when their own personnel are heavily implicated in the bugging.

So, I think the Pentagon Papers have opened this discussion which has great promise for changing public consciousness. I think it's early on the scale of intellectual change to expect very decisive change to have occurred already. Of course, it cannot occur too fast when the lives of so many Vietnamese are at stake. It hasn't occurred fast enough to save Indochina from the last million tons of bombs which Nixon has dropped since the Papers came out.

By the way, I'm almost in a quandry when people ask me, as they always do, whether I think the release of the Papers had any effect. On the one hand, I like to take the opportunity to point out that the war indeed is still going on. That is the hard news that most needs saying, especially before this election. But at the same time, when I talk about the million tons of bombs, I am increasingly coming to suspect that it feeds the mood of despair that any individual or any amount of truth can change a policy.

On the other hand, there is a sort of smugness or complacency about many listeners who want evidence that they are not compelled to take any action to end the war, they feel it wouldn't have any effect. I think there are people who ask me that question in hopes that they will be able to say: You see, I don't have to do anything because putting out the Pentagon Papers didn't do anything and I can't do anything approaching that. I am very reluctant to encourage that attitude, but I also don't want to lie people into changing their lives. I don't want to exaggerate the hopes of any one act or to deprecate the risks.

I would like them to face the fact that the war can't end unless they act, unless a lot of people end their complicity. In my opinion, they should be willing to take some significant risks in their lives just as we have quite unjustifiably risked the lives of all Indochinese and as we have asked many young Americans to risk their lives in support of U.S. policy. A number of Americans must find the willingness to take some risks in their own private, immediate lives—risks of their jobs and risks of the attitudes of other people, just as Ramsey Clark and Jane Fonda took the risk and, really, the certainty of a great deal of public abuse—abuse all led and conducted by the Administration.

One can look at their examples or lives as showing

that nothing works and that you are going to pay a heavy personal price if you step out of line. Or you can see them as examples of the fact that Americans can change their lives. After all, for each of the three of us, just to take those examples, what we're doing now is quite a change from what we were doing some years ago. It shows that Americans can respond to the examples of still other Americans and do what they ought to do. So I would certainly prefer that they be seen in this light.

JK: How do you define the main issues in the trial?

Dan: We've talked about the issues before, and I'm sure you'll be covering them well enough elsewhere, so I won't go into them now. . . But, I would like to say one thing.

I think the newspapers have not given enough attention to the threat to First Amendment freedoms of the press represented by this trial. It is, after all, the first prosecution of a newspaper source and if it is successful, it will certainly not be the last. If Tony and I are convicted on any one of the counts, we will have an official secrets act that will be used. There will be a new law if we are convicted and it will have changed in the direction of censorship. The government will be able to threaten and convict other sources and, for that matter, newspaper men, on these kinds of charges.

Now that ought to be regarded as extremely ominous by any newspaper that doesn't want to exist on government hand-outs. Regrettably I would have to conclude that there are a great many newspapers and newspaper men in this country who would be content to operate on government hand-outs, at least in the field of foreign affairs, despite the fact that this area has expanded to become crucial to all of our lives. On his trips through China and Russia I'm sure that President Nixon was favorably impressed by their degree of control of the media and discussion. When he thinks of improving America, I don't think it's in the direction of rehabilitating the First Amendment.

What's very dismaying is to find how many newspaper people would seem to find little to fear in such an arrangement. I suppose they accompany him on these trips and observe that there are newspapers in the Soviet Union and that newspaper people go home at the end of the day, have dinner with their families and lead a normal life. You don't really need a First Amendment to be a newspaper man. If you're content to live with the party line, you are fulfilling your vocation.

That's exactly where we could be in a few years if our prosecution sets a trend, and it will, if it's successful. The possibility of having an authoritarian regime here is very dangerous, not only for newspapers and other media, but for this country and for other countries that we would oppress even more than we do now. After all, in a very real sense, we have already entered a post-Constitutional era in American history. So it's very important that our prosecution fail.

Well, there is a lot more I would like to say to the readers of WIN, but I've given you enough typing. I might add that among all the peace groups in the nation, I think I was most famous among WIN people—well before the Papers—as the person who had given more gift subscriptions to WIN than anyone else in human history. So they knew they had an admirer somewhere out there and I can tell them that they certainly did have an effect in making it easier for me to do what I had to do. I certainly find WIN a good journal, a good community of readers.

BOOKS



THE PENTAGON PAPERS

Missing from this issue of WIN is a full-scale discussion of the Pentagon Papers. That, however, is an enormous task that has already been well undertaken elsewhere. Furthermore, there really isn't any substitute for reading the Pentagon Papers themselves. So, with the Papers and other discussions and analyses already available and in preparation, most people will find a full year's reading. Hopefully, the following notes will serve as a guide to that reading.

The Pentagon Papers are a 47-volume Defense Department study of the Presidential decision-making processes that created and escalated our war on Vietnam. The Study, entitled "History of U.S. Decision-Making Process on Viet Nam Policy," was commissioned in 1967 by the Secretary of Defense, Robert S. McNamara, and compiled by 36 "experts" over a year and a half period. Designed to be "encyclopedic and objective," the Papers comprise 3,000 pages of analysis and history of the war and Presidential policy-making between 1940 and 1968 with about 4,000 appended pages of official documents written by presidents, cabinet members, ambassadors, generals and other government officials. The Pentagon stamped the original Papers "top secret" as a matter of routine practice and produced only 15 copies.

Thanks to Ellsberg and Russo the public now has access to three incomplete editions of the Papers and one digest (*Credibility Gap*).

The Pentagon Papers as Published by The New York Times, (Bantam: \$2.25, 667 pp.; also in hardback by Quadrangle with index) is a series of interpretive essays written by Neil Sheehan and others, and supplemented by relevant original documents. It is good for a general picture of the contents of the Papers, but has too few documents.

The Pentagon Papers—Senator Gravel Edition, (\$20 in paper) is a four volume set of the Papers that were given to Senator Gravel and then passed to Beacon Press which is now under investigation and harassment for publishing them. Beacon has also recently published a fifth volume of sorts entitled *Critical Essays and An Index to Volumes I-IV* (\$5.00 in paper).

The third and most comprehensive, but censored, edition entitled *U.S.-Vietnam Relations, 1945-1967* has been printed by the Government Printing Office in 12 volumes selling for a \$50.00 bargain.

The Gravel edition includes many documents censored from the GPO edition, such as those for the 1964-65 Johnson years. But the GPO edition contains the many documents on the early origins of the war omitted from the Gravel edition. For material on our involvement in Diem's overthrow and assassination, you must go to the Gravel edition. The GPO edition is censored here in a rather obvious, botched manner. For our involvement in Laos, you must

go to the GPO edition. And so it goes as you move back and forth between these editions trying to find the truth.

—J.K.

PAPERS ON THE WAR

Daniel Ellsberg

New York: Simon & Schuster, 1972

\$2.95 paperback, 309 pp.

In addition to the Pentagon Papers, the Kissinger Papers and, unfortunately, his earlier contributions to the war, Daniel Ellsberg has now released his own *Papers On the War*. The papers are excellent, but heavy, so heavy in fact that they may not be read as widely as they should be. This is particularly true of the essential essay, "The Quagmire Myth and the Stalemate Machine."

The Papers are about the man, Daniel Ellsberg, and his ideas about Vietnam as set in the broad context of his thinking which developed in three stages of viewing Vietnam as: "a problem, to help solve it; a stalemate, to help extricate ourselves with grace; a crime, to expose and resist it, to try to stop it immediately, to seek moral and political change." By the time he reached this stage, he came to the point where he "looked around a very large seminar table. . . and it came to me that I was the only person present who was a potential defendant in a war crimes trial."

As a former Marine Corps officer with a Harvard Ph.D. in economics and as a strategic analyst at RAND, Ellsberg entered the Defense Department equipped with a full set of Cold War credentials and the intellectual tools of the new science of politics and management. While serving as Special Assistant to the Assistant Secretary of Defense for International Security, he began to suspect that much of the problem with Vietnam was due to "bad information" coming into the Pentagon from Saigon. So, in 1965 he volunteered to serve on the team of the U.S.'s super counter-insurgency expert, Major General Edward G. Lansdale.

Lansdale was one of the first Americans in Vietnam having been sent there as part of a "cold war combat team" in 1954 to conduct clandestine military and psychological warfare operations against North Vietnam and indigenous South Vietnamese nationalists. In the North, the team conducted rumor campaigns to discredit the Viet Minh nationalists and to encourage people to move South. Although Lansdale, as his report appears in the Pentagon Papers, said that "Viet-minh relations with the mass of the population during the fighting had been exemplary" as opposed to the Vietnamese National Army which was more "adept at cowing a population into feeding them, providing them with girls," his team circulated rumors about alleged Viet Minh atrocities and even hired astrologers "to write predictions about coming disasters to certain Vietminh leaders and undertakings, and to predict unity in the South. The work was carried out under the direction of Lt. Phillips, based on our concept of the use of astrology for psywar in Southeast Asia."

The team also helped to organize airlifts and other means of transporting people south and "spent the last days of Hanoi in contaminating the oil supply of the bus company for a gradual wreckage of engines in the buses, in taking the first actions for delayed sabotage of the railroad (which required teamwork with a CIA special technical team in Japan who performed their part brilliantly), and in writing detailed notes of potential targets for future paramilitary operations. . . ." In the South, the team helped to organize political and military support for Ngo Dinh Diem whom the United States wanted to install as South Vietnam's leader. It must also be remembered that at that time the United States still

Congressman Moorhead has observed that there are some 55,000 arms pumping up and down in government offices stamping "confidential" on stacks of government documents: more than 18,000 government employees are wielding "secret" stamps; and a censorship elite of nearly 3,000 bureaucrats has authority to stamp "top secret" on public records.

I: After the release of the Pentagon Papers, President Nixon issued a new order which he said would reduce the amount of classification and speed up the process of declassifying old documents. I believe they're now up to World War II. What in your experience has been the effect of this?

F: The actions have had the effect of reducing security classifications to some degree, but when you're speaking in terms of millions upon millions of documents bearing classification markings, it is hard to tell the difference. There is a numerical reduction, but the net effect is minimal.

I: Did Ellsberg and Russo actually violate the law by giving the Pentagon Papers to Congress and the American people?

F: Russo and Ellsberg are charged with defrauding the U.S. government's lawful function of controlling classified studies. This has never been charged before. The only law which uses the words "classified information" is one which applies only to government employees (which Ellsberg and Russo were not) and only when they give that information to a foreign agent. Therefore, the charges reflect an effort by the Executive Branch to punish them for actions which contradict the Executive Branch philosophy of secrecy.

I: Was the purpose of prosecuting this case to strengthen the classification system so as to prevent people like Ellsberg and Russo from releasing information to Congress and the people?

F: It is that, but it is also the broader philosophy of Executive control over the policies and people of this country. I am sure that something bordering on a dictator type view led to the prosecutive action in this case. The security classification system was used here as a definable mechanical excuse for the charge involved. The action that Ellsberg and Russo took was an attack on Executive power. The action was viewed by the White House and the National Security Council as a contradiction of their idea of thought control.

I: Dan Ellsberg and others have talked about the rise of Executive power since World War II; what role has the security classification system played in that rise of power?

F: The secrecy system expanded concurrently with the philosophy of expanded Executive power. The system was not a cause of that rise of power. It was not used as a tool. As the Executive Branch arrogated power to itself, there was this burgeoning of Executive self-government in the U.S. Secrecy just went along as an integral part of expanded Executive power.

I: Is the classification system now a tool to help maintain that power, for instance by keeping information from Congress so that it cannot make decisions?

F: Yes. Most people in the Executive Branch believe they are the government. There is a built in reaction where the Executive Branch will impose secrecy as a means of insuring their philosophy. They feel that they should make decisions for the people of the United States.

I: So, to use their own Cold War language, the secrecy system acts as an iron curtain between the Executive Branch and the people?

F: Yes. It is a curtain that will remain until there is a true change in the philosophy of government.

THE PENTAGON PAPERS PEACE PROJECT

The Pentagon Papers Project is doing political and educational work around the trial. The Project has a number of educational and organizing resources available.

CREDIBILITY GAP: a 128 page paperback of extensive quotes from the Pentagon Papers compiled by Len Ackland and published by AFSC. Individual copies are available for \$1.25.

THE PENTAGON PAPER: a newspaper published twice a month with the War Bulletin covering the trial, the Pentagon Papers, and the War. Subscriptions are available at \$5.00 a year.

THE PENTAGON PAPERS SLIDE SHOW: a slide show on the history and development of the war as viewed through the insights of the Pentagon Papers. Individual sets with scripts are available at \$25.

THE PENTAGON PAPERS TRIAL: a short pamphlet on the history of the case, the charges, the trial issues, the Papers and related matters. Individual copies are available at 50¢; bulk orders available on request.

The Project is funded by sales and contributions, and is independent of the Fund. Inquiries, requests and contributions may be directed to the Project at 125 West 4th Street, Rm. 612; Los Angeles, California 90013; (213) 489-4250.

THE PENTAGON PAPERS FUND

The Pentagon Papers Fund for the Defense of Human and Civil Liberties, Inc., has been established to provide legal defense and cover legal expenses for Daniel Ellsberg, Anthony Russo and others subject to grand jury investigations and possible future indictments in connection with the Pentagon Papers. Stanley K. Sheinbaum is Chairman of the Fund.

The cost of defending freedom against government inquisitions and prosecutions has risen enormously. Proper legal defense in the Pentagon Papers trial will run well over one half million dollars. The defense is already considerably in debt. Involved in this case, for example, are enormous legal research costs arising, in part, out of the unprecedented nature of the charges. Also, since the jury must decide whether or not the Pentagon Papers are national defense documents, the defense must research each page of the documents and all public literature on the war to prove that the documents are not national defense related in terms of the requirements needed for conviction on the present charges.

Therefore, contributions are much needed. Inquiries and contributions may be directed to The Pentagon Papers Fund, Inc.; P.O. Box 1630; Grand Central Station, New York, New York 10017.



IT'S A MAN'S WAR

AN INTERVIEW WITH

Patricia Ellsberg

Marylou Kincaid: Despite all the publicity Dan has gotten, people seem to know very little about you, Pat. In fact, a recent article described you as someone who "seems content to bask in her husband's limelight." I'm wondering what your reaction is to this?

Patricia Ellsberg: I was really somewhat nettled by it because it paints a much more passive picture of me than I think is accurate. But there is also some truth in it since Dan has been doing all the speaking and I have been somewhat shy and retiring. I have begun to speak more publicly in the last few weeks since the trial has let out. I appeared on the *Today Show* and on a local TV program in Boston. In the next few weeks I will be reaching out to as many media outlets as possible with a message about the trial and what the Pentagon Papers show about the war. I'll be traveling with Dan and speaking to people up until the election after which we plan a brief vacation.

MK: What is your background?

Pat: I graduated from Radcliffe in 1959 with honors in history and literature and then started my own radio program in 1960. It was a weekly half-hour show in which I interviewed people in the arts and politics, and that began my real education. I was a member of

the quiet generation, having graduated at the end of the Eisenhower era. Through the course of doing interviews, I became much more political than I had been in college and particularly concerned about problems in the areas of civil rights and the war in Vietnam.

I interviewed people like David Halberstam and when I was in Vietnam, I interviewed John Paul Vann, Neil Sheehan and several Vietnamese civilians who were working with AID programs but were very critical of the South Vietnamese government.

I also did interviews on educational television and co-produced a television program for Public Broadcasting which was called "The Medium Is the Medium." It was a half-hour special in which we got multi-media slide shows and artists into TV studios and developed new techniques through using TV itself as an artistic tool.

Before the Pentagon Papers came out I was working on a book in connection with the radio program but since then I have been working with the trial. It's been like riding a roller coaster so there hasn't been much time for working on the book. When the trial is over, I want to resume the radio program and the book.

MK: When did you meet Dan?

Pat: I met Dan in 1965 in Washington where he was working for the Defense Department. A mutual friend introduced us and said that Dan was brilliant but a very dangerous man because I'd fall very much in love with him, which I promptly did.

Since neither of us were ready to get married at the time, we went our separate ways for a while. Dan went off to Vietnam where I visited him for two months in the summer of 1966. That was the time when I got a strong sense of the outrage of our involvement in Vietnam. I interviewed refugees who had fled, not from "the enemy" but from American bombs and artillery. The thing they wanted most passionately was peace, not the so-called security we were offering which left them living in cesspools and muddy cemeteries.

Dan was working at that time on reforming some of the worst outrages of American involvement. We had many discussions about the war, but were never able to resolve our different perceptions about the value of the U.S. commitment in Vietnam. I returned home and Dan stayed on in Vietnam another year. He came back to California and we only saw each other occasionally when he would come back to New York. Then we saw each other more and more occasionally until the fall of 1969 when I went out to visit him and never really left him. We were married in the summer of 1970.

MK: Why do you think his and your perceptions of the war were so different?

Pat: At that time Dan was so much a part of the governmental structure that he wore bureaucratic blinders, so that for all he was trying to effect reform, he still looked at the issues in terms of global strategies and U.S. influence in the world. He filtered out his basic human reactions which became submerged in Cold War rhetoric and in a lifetime of training to see things as statistics and as calculated risks.

Also, it's important to realize that when you are in Saigon, you feel the war less than when you are back home because it is not on television every night and you don't read the *New Republic* and *I.F. Stone's Weekly*. You really are cut off in Saigon and surrounded by men who are completely committed to what they are doing and are much more bloody-minded than anyone you know back home.

Coming from an intellectual and artistic world without the bureaucratic conditioning that Dan had received, I reacted very directly to the suffering in Vietnam.

MK: In what way do you feel you were an influence on Dan, especially in causing him to change his view of the war?

Pat: I was one of many influences on Dan. I posed questions and reacted viscerally to the issues. Much more important, Dan's own personal experiences in Vietnam, which gave him a great deal of observation in the field, as well as his reading of the Pentagon Papers when he returned to the U.S., convinced him that our involvement in Vietnam was completely groundless and unjustified and worse than that, immoral and criminal.

Dan is unique in combining three aspects of experience—a high-level decision-making position in Washington, a high-level position in Vietnam, and access to the Pentagon Papers. No other person in the country has had such a combination of experiences and I think this is part of what accounts for Dan's intense commit-

ment against the war now.

MK: What was your reaction to the Pentagon Papers when you read them?

Pat: One of real horror and shock, although that may seem naive. I had always been against the war but seeing the callousness and lack of concern for human life on the part of men that I felt were decent but misguided human beings was quite a shock. Throughout the Pentagon Papers one reads the language of torturers. Specifically, they used phrases such as "one more turn of the screw", "pressure", "hot-cold treatment", "water drip technique", "fast full squeeze vs. progressive squeeze and talk". I was horrified at how cynical the government had been about our commitment in Vietnam and how much the American people had been manipulated and treated with contempt. All of these reactions deepened my respect for Dan for having taken great risks to reveal the truth to his fellow Americans.

MK: What was it like for you when Dan decided to make the Pentagon Papers available?

Pat: It was one of the hardest periods of my life. I had just fallen deeply in love and was happier than I had ever been, married to a man who is very loveable. The thought of being separated was extremely painful. Yet there seemed to be no other choice. Dan felt the Papers must come out and, although he protected me as much as he could legally in not involving me in their release, he did share the possible consequences of what he felt he had to do. I knew that if I put our personal welfare above that, the relationship that we had would be destroyed anyway. It would grow sour as the war went on, as the killing went on. How could we possibly not do whatever we could to end the war?

Then there was always the thought of all the suffering that was going on both to Americans, including all the wives that were separated from their husbands and sons either for a tour of duty or for lifetime, and even more acutely, all the Vietnamese, including the hundreds of thousands who were separated from their loved ones or killed or maimed. All of this made it an unquestionable imperative that we do what we could to show the truth about the war.

MK: Then you were in support of Dan's actions?

Pat: Oh yes. Dan is a man of very thoughtful judgment. There is a stereotype that he is impulsive but, in fact, he acts on his convictions which are very deeply considered. When he said that the Papers must be released, I trusted him.

MK: How do you feel about Dan's possible imprisonment?

Pat: That's a very heavy thing to face. The worst part of it would be the separation from Dan. He seems to feel he'd be able to face prison and I think I'd be able to face living again on my own which is the way I spent most of my life. The separation from Dan would only be made bearable because it would be done for such a worthy cause. Part of keeping ourselves healthy now is to say that we will face it, if it happens, but not dwell on it.

MK: Do you and Dan have support from your family for what you believe in and are doing?

Pat: We have moral support from my younger brothers and my stepmother is a great admirer of Dan. However, my father's wealth is a hindrance in raising funds for Dan's defense. People come up and say that they had assumed all along that my father was supporting a good deal of the trial which is categorically not true. A lot of people who do contribute to causes assume

Interviewers: What is the history of government information control acts in this country?

Florence: What we are talking about are *not* legislative acts, but a series of information control actions by the Executive Branch. Congress has imposed some laws for specific types of information, for instance atomic energy information and codes, which are based on the degree of damage that disclosure would cause to the U.S., but these are in contrast to the massive imposition by the Executive Branch of *secrecy* for administrative purposes.

The history of the kind of administrative system we know today began around 1917 when the Army and Navy restricted information about military objectives. At the time, these restrictions did not apply outside those departments. The Army started designating military planning information as "secret" with the expectation that it would be recognized by those who used it as requiring special handling.

Between 1917 and the 1930's there was very little use of security classifications. But from the beginning of World War II there was a spread of classification systems very widely within military organizations and, for the first time, into civilian areas of government. After WW II, an Executive Order was proposed to assure coordination between agencies so that information safeguarded by one agency would be accorded like protection by other agencies. President Truman signed such an Executive Order in 1950, followed by revised Orders issued by Eisenhower in 1953 and recently by Nixon.

I: Why the tremendous growth in the use of classification markings?

F: Actual defense requirements of WW II plus a great psychological factor provided for a philosophy of secrecy. People in the Executive Branch wanted to get on the bandwagon, feeling that the use of classifications made them more important.

I: What effect did the Cold War have on the increased use of secrecy? Were people more willing to use and go along with it because of the fear of a "communist threat" to the U.S.?

F: Yes, we were all oriented towards warding off the "communist threat." People in government felt it was necessary to show a defense against communism, or in many instances they felt they were going to attack communism. They felt they had to keep information about what they were doing to themselves—or, at least, to distinguish between those authorized to see information and the alleged communists.

When these distinctions are represented by mechanical things like classification markings, the human trait is to use them in every possible way. This is what actually happened in the early 1950's.

I: Could you explain the mechanics of the system?

F: The President, as head of the Executive Branch, has ordered that where there is an item of information within the Executive Branch whose disclosure to someone would have an immediately damaging effect on our defense efforts, that information should be limited to persons in the Executive Branch who need to use it. The heads of departments and agencies must follow certain rules if their agencies have such information. They must designate people to identify such information, and must declassify the information when there is no longer a need for secrecy. Since the order applies only within the Executive Branch, agencies are supposed to formulate rules for disseminating such information to others outside the Executive Branch. In

practice, those restrictions are actually disregarded so that classification markings have become a support or tool for serving the interests of anyone in the Executive Branch.

I: Is it true that they classify rubber band and paper clip orders, and that the mania has gone so far as to include newspaper articles?

F: These absurd examples reflect efforts to protect the existence of entire programs from public scrutiny. Thus the expenditure of money for any part of the program must be kept secret as well as more direct information on the program. I once had to straighten out a situation where some painters could not go to a store and buy some paint for the outside of a building which was being used for a secret project.

I: How much does the classification system cost the American taxpayer?

F: It is very difficult to assess the cost because a great deal is simply in administrative actions that must be applied anyhow in handling documents. But the calculation of the costs in handling things that never should have been classified is fairly easy. We could use a figure of something more than \$100 million in wastage alone.

[On July 25th *Earth News* reported that: "According to a study conducted by Representative Moorhead... the government is spending twice as much money to conceal information from the public as it is spending to provide information. The Congressman's study showed that while \$126.3 million was spent for classifying information, only \$64 million was spent for public information programs. The costs of classifying secrets may of course be incomplete, since it excludes secret funding programs."]

I: You testified before the House last Spring that 99.9% of the government's classified documents should not be classified at all. How did you arrive at that figure?

F: It came from a personal analysis of classification practices I had observed throughout the U.S. in the offices of government contractors and in military areas. In some cases I saw files of hundreds of documents bearing classification markings, but the documents contained information that had *no* relationship to current defense activities. The disclosure of information in those documents could not have been prejudicial to national defense interests. Therefore, none of those documents warranted the protection afforded by classification.

My estimate of overclassification is also generally supported by others. The chief of a Department of Defense office having responsibility for conducting security surveys at contractor facilities believes that my estimate is too low. You also have to reflect on the fact that the Department of State has testified to holding documents in secrecy for 75 years. I submit that the practice of turning an official record into a mummy and keeping it from the people is as damaging to us as the practice of book-burning which we all deplored so much a few years ago.

I: Would you say, then, that the main purpose of the system is to keep information from the American people?

F: The policy and purpose of the Executive Orders were not so, but individuals used it as they saw fit. Things were classified without regard to the limits of the Executive Order. The result is a censorship policy of the entire Executive Branch from the clerical level to the President.

STATE SECRETS

AN INTERVIEW WITH

william g. florence

BY KAREN BLASINGAME AND JOHN KINCAID

Although the struggle for peace and freedom has exposed a variety of formal and informal mechanisms of state control, relatively little attention has been drawn to the control functions of State Secrets. State secrecy is more than information control accomplished, in the United States, through the formal mechanism of Executive classification. It is also a process of mystification by which the ruling class seeks to establish a powerful mystique of state omniscience and infallibility.

From the ancient Pharaohs to Richard M. Nixon the functions of state secrecy have hardly changed. Ever since kings and priests arrogated to themselves certain bodies of knowledge, the people have been led to believe that there are secrets which can only be known by a few initiated, educated elites who by virtue of this knowledge are able to carry out the functions of state and determine what is best for the people. Of the Pharaohs it was said (according to John A. Wilson): "Now his majesty knows what takes place. There is nothing at all which he does not know." This was the closely guarded secret of kingship. When the state collapsed, it was said that the king's secret had been "leaked": "Behold, it has come to (a point where) the land is stripped of the kingship by a few irresponsible people. . . the secret of the land, whose limits are unknown, is divulged, so that the (royal) residence is overthrown. . . The secrets of the kings of Upper and Lower Egypt have been divulged."

The same process has also long been at work among the so-called professions. The mystique of professional secrets is well developed in the United States among medical doctors, lawyers, "scientists", college professors, auto mechanics and others. "I am your doctor and I know what is best for your health." "Look, lady, even if I told you what's wrong with your car, you still wouldn't understand." Even as individuals we keep secrets from each other in order to manipulate situations or to present our best selves to others.

Knowledge is power, in part, by virtue of other people's ignorance. When the state succeeds, not only in keeping secrets, but also in convincing the people that

they are being responsible citizens by remaining ignorant, the process of control is complete. "I really can't judge the President's actions in Vietnam because he has more information than I." Although the President of the United States cannot (yet) keep secrets and claim infallibility by divine right, even with Billy Graham, he can accomplish the same ends in the hallowed name of national defense. By manipulating the appropriate symbols of traditional mythology and by defining the international situation in terms of hot and cold warfare, Presidents have been very successful in convincing the people that they should let the government do their thinking for them. The mystique of state secrets is reinforced by a cult of enforced rituals, high priests, indoctrination, initiation into the mysteries of different levels of secrecy, secret passwords, and even secret classifications. Therefore, because the whole system is set up to make people believe that the release of state secrets would cause the state to collapse, we have the spectacle of citizens in a "democracy" accusing other citizens of treason and irresponsibility for exposing these secrets. The ultimate is represented in a comment someone made to one of us: "No, I didn't read the Pentagon Papers. That's secret defense information. The people ain't supposed to know that stuff and I think Ellsberg and that other guy ought to be hung for taking them papers."

In these terms it is quite logical and very necessary that Ellsberg and Russo be prosecuted for theft and espionage. Their act was a fundamental threat to the state. In exposing government crimes, lies and deceit they undercut the whole mystique of state secrets. The real secret, of course, is that the state is a trick and a trap for the gullible.

In this interview with Bill Florence we will explore some aspects of U.S. government secrecy. Now retired, Mr. Florence is a former Pentagon Chief of Secrets. He served in the Air Force for 43 years, 26 of which were served in various capacities as a Defense Department security classification expert. He has testified several times before Congress and is now a consultant to the defense in the Pentagon Papers Trial.

that it will work out for us and that there are other causes that are more in need.

MK: What do you anticipate is ahead for you and Dan if the trial resumes or if it does not?

Pat: It depends on so many things. When the trial is over, if there's an acquittal or if there's no conviction, Dan will do some writing and some teaching and I'll continue the radio program and have children and learn and live and look forward to the future. If there's the trial, then that's what we'll be doing for three months or so. It's a little hard to say but for the long range future, Dan is a creative intellectual and he has a lot of writing to do and a lot of reading to do and he looks forward to doing that. We can't really plan for the future until we know the status of the trial, so it looks like we'll have another year of uncertainty. Even that becomes something we learn to deal with and just say, "Well, I can't plan ahead", and that's not the worst thing either.

MK: Most of the defendants in political trials have been men. The lawyers are men and the judges are men, the police and guards are men and the trials tend to project the whole *machismo* image. The only time women enter the picture is as members of the jury where they are often prized or feared as being perhaps too emotional or too soft. As Mr. B., a juror in the Spock trial, told Jessica Mitford: "Don't misunderstand me, I love women. But we had a job to do, and who wants a woman, who thinks with her feelings about these things?" I am wondering how this issue relates to the Pentagon Papers and the trial.

Pat: I think you have hit on an issue that is central to the Pentagon Papers and the trial. There's not one woman's voice in the Pentagon Papers, not one humane sentiment that asks about the cost of the war in terms of human lives and human agony. Instead, it is all statistics and percentages.

I don't think it is just by chance that the courtroom is filled with male participants or that there are seven women on the jury out of twelve and that most of the alternate jurors are women. It seems that moral issues and human considerations carry more weight with women. But I think the *machismo* factor is operative in the courtroom as well as in policy-making. Most men have been indoctrinated in the mystique of being number 1, of being competitive, and of U.S. prestige being dependent on our being the most powerful country in the world.

It is an interesting fact that very few political defendants are women. I think we have to ask ourselves why and begin to put ourselves in jeopardy for values that we seem to hold more deeply than men. Of course, in this case very few women had access to the Pentagon Papers. It really is a man's war. One of the things that struck me when I visited Dan in Vietnam was that in two months, I did not meet one man who was happily married, one man who did not have family problems or who wasn't running away from something. Affairs with Vietnamese women or visits to prostitutes were the predominant mode in Vietnam.

I think that tells us something too, men who are so involved with calculations, killing and death probably aren't rooted to life processes like families. They are the men to whom that has not been important or for whom it hasn't worked out.

MK: What influence do you think women could or do have in the anti-war movement and on foreign policy?

Pat: I think women have been against the war more than men and earlier than men. The Women's Liberation Movement will do a lot to help women get more active in foreign policy, although I have been disappointed in how it seems that the Women's Liberation Movement has not focused its attention on the war. They seem to have shied away from the issue of the war, perhaps because they feel it is too partisan. I also think we tend to defer to the experts and that's really wrong because we have been the ones who have been right all along. I think we should trust ourselves and inform ourselves and persuade and stand up for what we think. We must pool our energies and see if we can't get the war ended.

MK: Do you think women have been reluctant to take public stands on issues?

Pat: I think that's true and I don't want to speak as if I have been doing it anymore than anyone else, I haven't. But I think it's something we should think about and try to change.

MK: I hear you saying we have a lot to offer and need to find ways to start doing that.

Pat: And to take ourselves very seriously. I think there is a general realization that the *machismo* factor in foreign policy is operative. But we can change that and have an impact on foreign policy if we involve ourselves more. We tend not to do as much as we should, but since it's a matter of life and death, we must do more.

MK: We are often reluctant to trust our own perceptions.

Pat: Absolutely. I know I was. When I would even discuss the war with Dan, he knew a lot more than I did and I kept losing a lot of arguments and yet knowing I was right, but not trusting those feelings fully. I said, "Well, I don't know all the facts." Instead, I should have informed myself and known the facts and acted on what I felt was right. I did to some degree but I could have done a lot more.

MK: Do you think women should get more involved publicly in speaking against the war?

Pat: Speaking or just in saying that this is the most important issue facing the country. I think women are beginning to organize themselves as a political group and that's important. President Nixon is considered by 62% of the American people as a peace candidate and many people think he is ending the war. Since that is so blatantly untrue, women can do a lot to change that awareness. We can demand more of our Congressmen and Senators as well as explore ways to resist. There is much we can do as a powerful lobby group in American politics.

Removal [of] any taint [of] colonialism would be essential to [the] success of [the] operation in Indochina, to attraction of potential Asian support and to forestalling opposition by other Asian and Middle Eastern countries.

John Foster Dulles, Secretary of State; May 11, 1954; (GPO 9, p. 454)



TONY RUSSO

Tony Russo, 36, is the only person who has already spent time (47 days) in prison for his connection with the Pentagon Papers case. Although he could have used a grant of transactional immunity to stay out of jail and prevent the present indictment that threatens him with 35 years in prison, he chose instead to refuse to cooperate with government attempts to force him to talk in secret before a Los Angeles grand jury in June, 1971 about his relations with Ellsberg. While serving his contempt sentence, he fasted in protest of prison conditions and was beaten up by guards several times and thrown in the hole. He was freed in October by a court order directing the government to provide him with a transcript of his grand jury testimony. However, when he appeared to testify under this more open condition, David R. Nissen, the U.S. Attorney prosecuting the Pentagon Papers case, violated the court order by saying that he would not give Russo a copy of any testimony. So, he again refused to testify in secret.

Anthony J. Russo, Jr., was born in Suffolk, Virginia, attended the Virginia Polytechnic Institute, and began his professional career as a research engineer at NASA where he worked on the first space capsule and wrote such popular bestsellers as "Estimates of Attenuation and Reflection of Telemetry Signals by Ionized Flow Fields Surrounding Typical Reentry Bodies." In 1961, he entered Princeton University where he received an M.S. in Aeronautical Engineering and then an M.A. from the Woodrow Wilson School of Public and International Affairs.

He joined the RAND Corporation in June, 1964, hoping that he could "bring sanity to the area of defense planning." He already had a sense, from some French students, that the war was wrong, but the fundamental change in his attitudes occurred during his 24 months in Vietnam where he worked on RAND's continuing "Viet Cong Motivation and Morale Study." The experience of interviewing "enemy" prisoners

held in prisons all over South Vietnam led him to respect and admire their integrity and dedication. He realized that America was the real enemy of the Vietnamese people.

While in Vietnam Tony also analyzed the crop destruction program. Although he demonstrated that 100 pounds of rice were denied to civilians for every pound denied to the NLF and recommended that the program be discontinued, his report was disregarded when General Westmoreland told McNamara that he had taken a helicopter ride over effected areas and found the program to be very effective. Tony also disproved a study by E.J. Mitchell purporting to show that poor people supported the Saigon government while wealthier Vietnamese supported the NLF. The policy implications, of course, were that any attempts by the Saigon regime to improve social welfare and reform the land distribution system would create more problems and increase NLF support! However, Russo's reverse conclusions were again ignored. (See: "Economic and Social Correlates of Government Control in South Vietnam" by Russo in *Anger, Violence, and Politics* edited by Feierabend, et al., 1972).

Russo and Ellsberg had met briefly in 1965 at the RAND villa in Saigon, but did not become close friends until 1968 when they found their offices across the hall from each other at RAND in Santa Monica, California. In the Fall of 1969 when Ellsberg decided to copy the Pentagon Papers, Tony was glad to help. He had a friend, Lynda Sinay, who had a copying machine at her advertising agency in Los Angeles. Together, they turned that machine into an instrument of nonviolent resistance, as Tony likes to say now: "Z-Rocks the State!"

While Ellsberg explored ways of releasing the Papers, Tony, who had already been fired from RAND for "budgetary reasons," explored the country, participated in anti-war activities, and took a research job with the L.A. County Probation Department. His

cutting attorney, accused the defense of "impugning the integrity" of the judicial system by suggesting that the jurors might disobey the Judge's orders not to say, see, hear or read anything about the trial. "I assure you, your Honor," said Nissen, "that the government will not, as it has not in the past, engage in any publicity about this case. But, of course, if the defense continues its propaganda barrage, then a question about the jury might arise." He suggested that it was too early to rule on discharge of the jury.

Judge Byrne leaned forward from his high chair and matter-of-factly announced that according to his reading of the Supreme Court's action, "all proceedings have stopped. I will not rule on the present motions until the stay has ended." He then brought the jury in and instructed them accordingly: "If you happen to see or hear anything relating to the trial on the radio or TV, turn it off or walk out of the room. Have someone in your family go through the newspaper each day and clip out all articles relating to the trial. If anyone persists in trying to talk to you about the trial, let the Court know and we will take care of it. You may go know until further notice."

After the session, the defense attorneys and defend-

ants explained their actions. "The trial should never have happened in the first place," said Ellsberg. But, continued Boudin, "Since the government insists on prosecuting, we want to have this trial on the basis of its merits. The wiretap question is an extremely important Constitutional issue which must be litigated, but we do not want to take advantage of this stay to have the whole trial thrown out on technical grounds. If the Judge will not dismiss the charges, then it must go to a jury."

Ellsberg and Russo said that they feel so strongly about the issues raised by the trial that they are willing to risk conviction rather than to avoid confrontation with the government over the issues of the war on Vietnam, government secrecy and lying, and the people's right to know. They feel that the jury, as representatives of the people, will vindicate their actions.

"During the period of this stay," said Russo, "I intend to continue working against the war and, especially against the re-election of Richard Nixon. Nixon is the real criminal in this trial, not Dan and I." Ellsberg added: "The survival of the Vietnamese people depends on Richard Nixon not being elected." —J.K.

Paul Spina/LNS



ing the right questions to the jurors because, unlike the government, the defense did not have access to much information about the prospective jurors. In the trial of Dr. Spock, for example, it was reported that the government ran security checks on 5,000 prospective jurors.

In the first jury panel of 33, 22 had personal or family ties to the military or defense industries. Several had security clearances. Leonard Boudin, Ellsberg's chief attorney, remarked; "We would like to have a civilian trial, not a military court martial." However, the final jury has turned out to be 8 women and 4 men, only one holding a security clearance. Most claim to be uninformed about the Pentagon Papers and to have no strong opinions on the war. All but two are middle-aged. Most of the women defined themselves as "housewives." There is one Black man serving as an alternate juror.

The Stay

The stay of the Pentagon Papers Trial arose out of a government's refusal to reveal the parties or contents of a wiretapped conversation involving one of the defense lawyers or their consultants. Ellsberg's consultants are Morton H. Halperin and Richard Falk; Russo's are Tom Hayden and Robert Scheer. The government contends that the conversation had nothing to do with the case and that the court should not "jeopardize" the listening device by divulging it because it involves a "foreign intelligence operation."

The defense actually learned about the wiretap accidentally. On January 24, 1972, the defense had moved for disclosure of electronic surveillance. The government responded with counter motions and then, after the Judge granted the defense request, complained about overwork in having to go through all the surveillance logs. On July 10th, the government handed the court an affidavit dated June 8th saying that there had been no surveillance of the defendants.

Then, about 4:00 PM on Friday, July 21st, after the jury had been sworn in and after the defense team had left the courtroom, the government filed another affidavit saying: "None of the oral or wire communications of any of the (defense team) have been overheard except as may hereafter be disclosed to the Court *in camera*. . . ." (in secret to the Judge). Notice of this was sent to the defense. But, then, still later that afternoon the government also submitted a surveillance log *without* notifying the defense.

The loss of Southeast Asia would have serious economic consequences for many nations of the free world and conversely would add significant resources to the Soviet Bloc. Southeast Asia, especially Malaya and Indonesia, is the principal world source of natural rubber and tin, and producer of petroleum and other strategically important commodities. The rice exports of Burma, Indochina and Thailand are critically important potential as a market for the industrialized countries of the free world.

National Security Council Statement of Policy
January 16, 1954
(GPO 9, pp. 221-222)

Plan of Action for South Vietnam

1. US aims:

70%—To avoid a humiliating US defeat (to our reputation as a guarantor).

20%—To keep SVN (and then adjacent) territory from Chinese hands.

10%—To permit the people of SVN to enjoy a better, freer way of life.

AESO—To emerge from crisis without unacceptable taint from methods used.

NOT—To "help a friend," although it would be hard to stay in if asked out.

John T. McNaughton, Asst. Sec. of Defense
March 24, 1965
(Beacon III, p. 695)

During arguments the following Monday morning when the defense charged that the government's affidavit was purposely vague and not in compliance with the Court's order, the Honorable Wm. Matthew Byrne, who is usually as slick as a grease pole, inadvertently blurted out that the government had given him surveillance data.

Surprise and rage erupted in the courtroom. Matt Byrne slapped his hand against his face in a gesture of "Oh, no, what have I done now!" When asked, "When?" the Judge said he didn't know, but that he had seen it "during the weekend." When he refused to disclose the surveillance data, the defense decided to appeal for disclosure rather than going on with the trial. When the Ninth Circuit Court of Appeals denied the defense move, defense then appealed to Justice Douglas for a stay in order to permit the Supreme Court to hear the matter. The government asked the Court to overrule Douglas, but on August 5th, Chief Justice, Warren E. Burger, announced that the other Justices had declined to do so.

At the last court session on Wednesday, August 9th, defense attorneys, Leonard Boudin and Leonard Weinglass, announced to a startled courtroom that Russo and Ellsberg really "want to have a trial on the merits of the issues." In the surprise motion which Boudin said "may be a first" in Federal judicial history, the defense informed the court that Ellsberg and Russo are willing to waive their right to move for dismissal of the case on double jeopardy grounds if Judge Byrne dismisses the present jury.

The legal issues are still unclear here because the Pentagon Papers Trial is the first ever to be stayed after a jury has been sworn in. Since jeopardy attaches when a jury is sworn, discharge of the present jury and picking of a new one would probably amount to double jeopardy. But in waiving their double jeopardy rights, Russo and Ellsberg cleared the way for the trial to continue with the possibility of a new jury.

Boudin and Weinglass argued that the jury should be discharged because, during the long stay, their supposedly neutral attitudes might become "tainted" and "infected" by publicity surrounding the trial and the defendants. David R. Nissen, the government's prose-

We are [in Vietnam] first, because a friendly nation has asked us for help against the Communist aggression.

President Johnson
State of the Union Address
January 4, 1965

present involvement with the Pentagon Papers case began when the FBI appeared at his home on June 19, 1971, six days after *The New York Times* started printing the Papers. The encounter was terse. "Are you Russo?" "Yes." "We want to talk to you about Ellsberg." "I do not wish to talk to you."

Although most of his time is spent working on his defense and speaking out against Nixon's policies on Vietnam, he still maintains other interests from prisoners' rights to writing poetry and "turning communities into schools." He lives in Santa Monica with his wife, Katherine Barkley. At a press conference on the first day of jury selection, he summarized his view of the Trial: "President Nixon is the international outlaw who dares indict Daniel Ellsberg and me for releasing the Pentagon Papers. If we are conspirators, then the U.S. Constitution is dead; if we are spies, then the American people are the enemy; if we are thieves, then the government, not the people, owns history."

[Inquiries and requests for Tony to speak should be sent to Ms. Norma Whittaker at The Pentagon Papers' Peace Project; 125 W. 4th St., Rm. 612; Los Angeles, Calif. 90013; 213-489-4250].

—J.K.

PRISONER'S RIGHTS

Here:

Exercise your fourth right
Be spurred by your third,
(World)
Your second this second,
Your first right arm protects,
You from harm.
Right arm,
Right Om,
Right On.
Right now!
Right here! (Where the bullshit stops!)
No better than what?!
Tomorrow,
You better matter.

—Tony Russo

Tony Russo and his wife, Katherine Barkley



Photo: A Thousand Words



Photo: LNS

KIEM THAO

The Vietnamese Resistance has survived and is stronger than ever because of the spirit, vitality and cohesiveness that is continually manifested in the ranks. In 1964, according to the Pentagon Papers, Pham Van Dong told J.B. Seaborn (the Canadian ICC delegate) that: "I suffer to see the war go on, develop, intensify. Yet our people are determined to struggle. It is impossible, quite impossible (excuse me for saying this) for you Westerners to understand the force of the people's will to resist and to continue. The struggle of the people exceeds the imagination. It has astonished us too." If Vietnamese leaders were astonished at their people's capacity for struggle in 1964, their confidence must be extremely solid now after passing the test of the global flogging administered for years by Johnson, McNamara, Nixon and Kissinger.

In the same conversation with Seaborn, Pham Van Dong went on to say: "The Democratic Republic of Vietnam realizes that the 'loss' of the South for the Americans would set off (what was the atomic expression?) a chain reaction which would extend much further. . . . if the war gets worse, we shall suffer greatly, but we shall win. If we win in the South, the people of the world will turn against the USA. Our people will, therefore, accept the sacrifices, whatever they may be."

The Vietnamese have long recognized the position of Third World leadership that history has assigned them. As Sartre has said: "When a peasant falls in

charges from theft of the documents to *theft of the information!* The government now maintains that Ellsberg and Russo stole "the arrangement of the words on the pages" of the Papers and "the ideas conveyed by that arrangement." By using the theft statute in this way, the Executive Branch is trying to stretch it to become the kind of information control law which Congress has repeatedly rejected.

In America, everyone, except the government, has a right to a copyright. Precisely because of the totalitarian implications, the government has always been denied proprietary rights over information. Instead, government information belongs to the collective people who make up the government and the nation. In limited situations where Congress believes that the general dissemination of particular information would be injurious to the people, it acts to restrict that information by statute as it has done in the case of codes, atomic energy information, and defense information given to a foreign power with *intent* to injure the American people. Individuals who interfere with that information are subject to prosecution under those statutes, not theft. These statutes exist because in democratic America where the government cannot own information a person certainly cannot be charged with theft of government information.

During pre-trial hearings, Melville Nimmer, the country's leading expert on copyright law, wrote a brief of *amicus curiae* for the American Civil Liberties Union in which he said that this was the first time in American history that the government was claiming a property interest in information. He said that there is no precedent and no basis in law for the charge of stealing information from the government and that the setting of such a precedent now would overturn the historical rights of Americans as guaranteed by the Constitution.

The only similar case is *People v. Kunkin*, now pending before the California Supreme Court. Fred P. Graham of *The New York Times* has called it "the little Pentagon Papers case." In this case, a disgruntled employee of the State Attorney General's Office gave the *Los Angeles Free Press* an original roster of state undercover narcotics agents and a xeroxed copy of a memo about an incomplete investigation of a campus police chief. After the *Free Press* printed this information, Kunkin, the editor and publisher at the time, was charged with receiving stolen property. Kunkin was acquitted of theft for receiving the xeroxed memo, but convicted for receiving the original roster. The California Court of Appeals upheld the conviction. H. Peter Young, the attorney in this case and also a member of Russo's legal team, says that the defendants will appeal the case to the Supreme Court if the California Supreme Court upholds the conviction. If the conviction is overturned, the state also vows to appeal to the Supreme Court.

The "little Pentagon Papers case" could set a bad precedent for the big Pentagon Papers case. If Ellsberg and Russo are convicted for theft, the Executive Branch will have succeeded in using the Judicial Branch to produce a new, repressive information control law which the Legislative Branch has always refused to enact! The government will be able to own information; there will be no limits to government secrecy; and any one who might release, print or read such information would be liable to prosecution for stealing and receiving contraband words.

Thus, the issues in this trial have to do with domes-

The United States was not involved in the overthrow of the Diem regime.

Henry Cabot Lodge
U.S. Ambassador in Saigon
June 30, 1964
The New York Times

We are launched on a course from which there is no respectable turning back: the overthrow of the Diem Government. There is no turning back in part because US prestige is already publicly committed to this end in large measure and will become more so as facts leak out.

Henry Cabot Lodge
Cable to Washington
August 28, 1963
(GPO 3, p. 20)

tic repression and international aggression. What's on trial is not just Daniel Ellsberg and Anthony Russo. You and I are also on trial. A conviction on any one of these counts will have profound effects on all Americans and on the rest of the world, especially the people of the Third World, who will be the victims of future secret, technological, remote-controlled Presidential wars.

Part II: Judicial Politics

Before the wiretap episode, the trial had been rather sedate. Judge Byrne, a smooth, 42-year-old bachelor has made it clear that he wants Order in the Court. No Chicago for him. As a novice on the bench with aspirations of higher political fortunes, the trial could play a crucial role in his political future.

On the one hand, Byrne tries to project a fair, rational and even reformist image to the press. He likes to show how bright he is and gets uptight when legal debates start going over his head. Meanwhile, on the other hand, he is manipulating the hell out of the trial. All defense motions for dismissal were, of course, denied as were most of the other motions.

Crucial motions concerned jury selection. The defense discovered that the Clerk had improperly excused 11,000 prospective jurors without consulting the Chief Judge. For example, a person who returned a jury questionnaire saying, "I think that the government should be convicted" was excused for "health" reasons. The defense also unsuccessfully contested the fact that youth were 38% underrepresented in the jury pool because the pool was drawn from voter registration lists pre-dating the enfranchisement of 18-year-olds. Blacks, Chicanos, Native Americans and poor people were also underrepresented. Although Byrne was Director of the Scranton Commission that found that youth were alienated because they were excluded from judicial and political processes, he didn't feel that it applied to this case.

The final coup came when the Judge decided to short circuit the jury selection process by questioning the jurors himself—an unusual practice in his district. The defense was tricked into a chambers conference where they thought they were to discuss the questions to be put to jurors. Instead, away from the press, the Judge curtly announced his own list. In chambers, by the way, Byrne refers to David R. Nissen, the prosecutor, as "Dave" and refuses to acknowledge Russo and Ellsberg when they try to speak. Byrne and Nissen are former Justice Department colleagues.

The defense was particularly concerned about plac-

thought that I might be prosecuted or held in criminal jeopardy for such commonplace activity never crossed my mind." But the prize coonskin goes to LBJ who received a million dollars for his memoirs, *Vantage Point*, which includes portions of the Pentagon Papers.

All of these widespread practices are, theoretically, violations of Presidential classification regulations. Yet, no one has ever been criminally prosecuted. In a letter Congressman William S. Moorhead on February 22, 1972, the Deputy Assistant Secretary of Defense, D.O. Cooke, said that 1,193 formal and 991 informal investigations of incidents involving classification breaches had been conducted just in the Washington area between January 1, 1969, and June 30, 1971. Of these investigations, 1,996 concerned "improper physical protection of information." Although 2,372 administrative penalties were handed out for these classification violations, no criminal charges were filed or even recommended.

Hence, because there is no classification law under which Ellsberg and Russo can be specifically prosecuted, the government is reaching into the Espionage Act and trying to use it in a new way.

According to the 65-year history of U.S. espionage law, the disclosure of national defense information is a crime *only* when that disclosure is made "with intent or reason to believe that the information to be obtained is to be used to the injury of the United States, or to the advantage of any foreign nation. . ." Yet, in this case, for the first time in the history of espionage prosecutions, the government has cleverly excluded "intent." Although the government admits that the law has never been used this way, it has given no reasons for excluding intent, except to say that the subsections of the law under which Ellsberg and Russo are being tried do not require proof of intent.

This leaves the government in the ludicrous position of *not* charging them for doing what they did, that is, copying national defense documents. Subsection (b) of the Espionage Act states that it is a crime to copy such documents, but the government did not invoke it because it also specifically requires proof of intent.

The exclusion of intent is very important to the government because it means that most of the salient and embarrassing political issues raised by this case are now excluded from courtroom discussions. As David R. Nissen, the government's prosecution attorney, has repeatedly insisted: "The war is not an issue in this trial." The effect of this strategy is to prevent the defendants from telling the jury why they released the Pentagon Papers. In defending their intentions Russo and Ellsberg would have been required to discuss the full history of the war as revealed in the Papers, their own experiences in government, and why they feel that the war is illegal, unconstitutional and immoral. As part of this defense they would have called on top government officials and scholars to confirm these points in public testimony before the jury and the world press. More importantly, perhaps, is that Ellsberg would have discussed NSSM-1 and his relations with the Nixon Administration. Also, in choosing the volumes on which to base its charges, the government has excluded the volume on the air war and several other areas that it does not want raised in court.

Politically, a conviction on these espionage charges would be disastrous for the public's right to know. By excluding intent and charging the defendants with communicating documents "to persons not entitled to receive them," *the government is placing the Amer-*

ican people in the same category as an alien power. This should come as no surprise because one of the "secrets" revealed by the Pentagon Papers is that the Executive Branch has been fighting at least three enemies: the Vietnamese, Congress and the American people. The espionage charge is, in those terms, logical. A conviction will amount to an expansion of the Espionage Act into a punitive instrument that the government will be able to use at its discretion against citizens who release "secret" information to fellow citizens.

All of this puts the Pentagon Papers jury in a peculiar position. If they convict Ellsberg and Russo for espionage, they will convict themselves of being an alien power. If they also convict Russo of theft for receiving the Pentagon Papers, they will convict themselves of theft for reading the Papers.

Theft

Daniel Ellsberg is charged with stealing government property. Tony Russo is charged with receiving stolen government property. But, since the Pentagon Papers are a history of U.S. involvement in Vietnam, the real question is: Can American citizens be charged with stealing their own history? The government says, yes, and is willing to use the law in unprecedented, repressive ways to enforce that ownership.

The theft and receiving statute has always applied to the permanent or substantial loss of tangible government property. But in the case of the Pentagon Papers, no theft of physical property occurred. Ellsberg was in authorized possession of the documents for his work and Russo was entitled to receive them. No one was deprived of permanent or substantial use of the documents. At the time of the alleged theft, Ellsberg was the only person at RAND using them. Furthermore, the government still has all of the original documents. Ellsberg and Russo just made sure that the rest of us could read copies too.

At the beginning of the case, the government maintained that the Pentagon Papers, that is the physical books, belonged to the government and that Russo and Ellsberg were chargeable for theft just as anyone could be charged with, for example, stealing a book from the Library of Congress. However, when, during debate, the government discovered that it did not own the physical documents, the government shifted its

The judgement is that, because North Vietnam's economy and organization is predominantly rural and not highly interdependent, attacks on industrial targets are not likely to contribute either to interdiction or to persuasion of the regime. Strikes at population targets (per se) are likely not only to create a counterproductive wave of revulsion abroad and at home, but greatly to increase the risk of enlarging the war with China and the Soviet Union. Destruction of locks and dams, however—if handled right—might (perhaps after the next pause) offer promise. It should be studied. Such destruction does not kill or drown people. By shallow-flooding the rice, it leads after time to widespread starvation (more than a million?) unless food is provided—which we could offer to do "at the conference table."

John T. McNaughton
January 18, 1966
(Beacon IV, p.43)

his rice paddy, mowed down by a machine gun, everyone one of us is hit. . . . The group which the United States wants to intimidate and terrorize by way of the Vietnamese nation is the human group in its entirety."

Nixon and Kissinger realize the consequences of "losing" the South just as well as Pham Van Dong; that's why they are prepared to continue their genocidal strategy indefinitely into the future. In the minds of the power-lustful, genocide in Indochina is a cheap price to pay to prevent—not the falling of dominoes—but the spreading of ideas of liberation. Fortunately, the Vietnamese image of liberation is a powerful one and America's genocidal military terror has not crushed it; if anything, it has highlighted its strength and reflected it back to America more vividly.

Although the Movement in the United States has been greatly inspired by the Vietnamese struggle, we still have more to learn about what liberation really means, concretely, as a day to day experience. We need to look at the ways in which the Vietnamese relate to one another as comrades in their struggle in the belly of the whale. The Vietnamese do not have telephones, and race paddies and jungles are quite different from our inner-city streets and suburban lanes; but we have very similar needs when it comes to the ways in which we relate to each other as human beings.

Basically, the Movement is not tight enough. It is unable to be sufficiently critical with itself mainly because as individuals we are not really as liberated and open as we would like to think—nowhere near it. It would help a lot, then, for us to know more about *kiem thao* (criticism/self-criticism) and the way in which the Vietnamese practice it and the success they derive from it. *Kiem thao* is to NLF education what Harvard is to the military-industrial complex—and it's instructive to see who is winning, and why and how.

I suspect that *kiem thao* has made the difference between victory and defeat. Everyone in the Vietnamese liberation forces practices *kiem thao* daily, or nearly so. In the military ranks daily *kiem thao* sessions occur in the three-person cell, which is the basic unit of the liberation fighters. Less frequently, progressively larger sessions are held. The purpose of the session is for the men and women to open up to each other as much as possible in order to build solidarity and promote day-to-day morale. In one of the interviews in RAND's study of "Viet Cong Motivation and Morale" an NLF member of the rank and file said: "Yes, it has a good effect. I would compare [*kiem thao*] sessions to a mirror with which I could look at my face. If my face had a stain, I could see it through the mirror in order to clean it up."

Kiem thao sessions benefit the group as well as the individual. The group gains in cohesiveness as each individual airs the hang-ups he or she has with others before they grow to the point of becoming insolubly bitter. "Let me give you an example," said Nguyen Van Mung, A fighter, in another interview. "For some reason I do not like you and think you are bad. But I keep this to myself and think that I am right. Now, in a meeting, I criticize you and you defend yourself. Other people will listen to us and join in the discussion. This way will help us know each other better, and thus our friendship will be consolidated."

Seeing oneself reflected openly and critically by one's peers narrows the distance between some abstract self-image and reality. Breaking through the game of "face" is a considerable accomplishment, one that all do not realize. Some leave the ranks and flock to Sai-

gon's defector program as a result of being hurt, or "losing face" from firm criticism sessions. Most make it through the initial stages, however, and seem to develop stronger revolutionary identities as a result.

The sessions are exceedingly democratic in that members of the rank and file are encouraged to criticize the cadres. As one cadre remarked: "In self-criticism sessions, I promised I would make corrections, and after that I felt relaxed. . . . Criticism is a good method, and it is a token of mutual affection in a unit. If there were any errors, we would help each other to correct and avoid them. . . . [Also] criticism is always fair because it is based on the ideas of several people and of the group, not of a single person or a few people." Thus, out of the openness shared over increasingly long periods of time comes a supportive atmosphere (an end in itself) which allows the touchy aspects of necessary criticism to be dealt with positively.

This spirit of collective criticism extends to the people in general: cadres encourage the villagers to criticize members of the Front. The most important thing for the NLF troops is their relationship with the people. So, if the villagers feel that something is wrong, the cadres want to know about it.

Kiem thao breaks down alienation. Paulo Freire says that the legitimacy of a revolution is the extent to which it can carry on a "courageous dialogue" with the people. Dialogue is the essence of the Vietnamese Resistance, both within the ranks and with the people. To be dialogical is to be revolutionary, in Vietnam or in America. The Vietnamese recognize that revolutions are not made by the leaders for the people or vice versa, but only by both working together. The dialogue encounter is the way people break out of ignorance of themselves and of their compatriots, and conquer fear while adding increased awareness of their world, freeing the sense of their own importance. In *kiem thao* we have one of the best examples of the Gandhian principle of *satyagraha*—"truth every minute."

The NLF has, through *kiem thao*, succeeded in leveling traditional Vietnamese authority patterns which are intensely vertical. Peer authority is what liberation is all about; liberation means energy, energy whose magnitude is many orders greater than anything that can derive from anomic vertical authority patterns. That is why the NLF has won.

Here at home we hear faint sounds resembling *kiem thao* from some women's groups, a few radical therapists, and others; but some, like the Esalen style, are a shuck because they are not political nor are they task oriented. Individual therapy has to go hand in hand with a program for social change.

In Vietnam a new man and woman are developing. In the West the new person is still abstract. Can we be real? We'd better be. This means that in every movement project we have to devote a good part of our energies to inter-personal relationships as ends in themselves. There will be many crises in the future and we have to be able to come together and stay together. Emergencies like dumping the Dike Bomber (something we all have to pitch in on even if we can only work a few days or a few hours) require ad hoc relationships that must hold together. The long haul is most important though; its there that we must learn to distinguish honest criticism from the sadistic and hostile putdown, the supportive gesture from the manipulative ploy. We must love each other—and, remember who the real enemy is.

—Tony Russo



Paul Spina/LNS

WHAT'S ON TRIAL: ARE THE AMERICAN PEOPLE AN ALIEN POWER?

Part I: The Charges

At first Dan Ellsberg was the only person charged in the Pentagon Papers case. That indictment issued on Friday night, June 25, 1971, charged fewer crimes and carried lower penalties than the present indictment. When he surrendered in Boston on June 28th, he said: "I did this clearly at my own jeopardy and I am prepared to answer to all the consequences of these decisions. That includes the personal consequences to me and my family. . . . Wouldn't you go to jail to help end this war?"

Apparently, however, after considering the risks of not harshly punishing the people involved in this leak and after failing to obtain secret grand jury testimony from Tony Russo, the government decided not only to indict both of them, but also to escalate the charges and penalties. The present indictment was issued in secret on December 29, 1971. Late that evening the Attorney General's office called a dozen Washington reporters to a press conference where they were locked in the room for five hours and given the contents of the indictment and a press release. The story was not to be released until the Attorney General's office was informed of Russo's arrest by Justice Department officials in Los Angeles.

Tony reports that "over 16 FBI agents came to try to arrest me, threatening my friends for 'harboring a fugitive,' although the indictment was still secret. Instead of calling my attorney to inform him of the indictment so I could surrender, they declared me a 'fugitive' and started hunting me. My lawyer heard a rumor about it, checked it out, and arranged for my surrender. I barely escaped being dragged in like a criminal. . . ."

Ellsberg and Russo are charged in a 15-count indictment. The 12 counts against Ellsberg include three basic charges:

- 1) Conspiracy to defraud the government of "its lawful function of controlling the dissemination of classified documents;" conspiracy to commit theft; and conspiracy to commit espionage;
- 2) Stealing specific volumes of the Pentagon Papers and converting them to his own use, and retaining them without turning them over to an official entitled to receive them; and
- 3) Violating espionage laws by communicating documents to persons not authorized to see them.

In 4 counts, Russo is charged with:

- 1) The same count of conspiracy with Ellsberg and

other unindicted co-conspirators;

- 2) Receiving and retaining stolen volumes of the Pentagon Papers with intent to convert them to his own use and the use of others; and

- 3) Violating espionage laws by receiving classified documents without authorization and retaining those documents without delivering them to a government official entitled to receive them.

It is important to note that they are *not* charged with giving the Pentagon Papers to the newspapers or with making money from their publication. They have received no income for releasing the Papers. The acts with which they are charged allegedly occurred between March, 1969, and September, 1970. That period ends nine months before the Papers became public. Conspiracy

Conspiracy is a charge all too familiar to WIN readers, so we need not dwell on its pernicious aspects here. It will suffice to say that, as a fall-back for the government, it greatly increases the probability of a conviction. If the jury cannot be convinced that Ellsberg and Russo committed espionage and theft, they might be convinced that at least they agreed to do it even if they did not actually do it.

However, the real perfidy here is the nature of the crime charged. Although many people have been charged with conspiracy to defraud the government of a lawful governmental function, this is the first case of persons charged with conspiracy to defraud the government of a function which is not clearly "lawful." Congress has never given the President statutory authority to establish the classification system. The system of classification used in the Executive Branch was set up by Executive Order for internal housekeeping. People in the Executive Branch who compromise that system have always been subject to administrative reprimand, not criminal prosecution. Ellsberg and Russo are the first.

Ordinarily, every lawful governmental function is defined by an act of Congress. In the past, criminal charges of conspiracy to defraud the government's lawful functions have had their sources in Congressional statutes, such as cases involving conspiracies to defraud the Federal Housing Administration or Federal Reserve Banks. In the charge against Ellsberg and Russo there is no statute.

Instead, the government argues that the Executive Branch has certain implied powers that can be exercised without specific statutory authority. However, although the issuance of Executive Orders is a common and accepted implied power of the President, it has never been understood that they have the same standing as Congressional statutes. According to the Constitution only Congress, subject to review by the courts, can make laws defining what is criminal.

The government also contends that Congress has enacted certain laws that implicitly recognize the President's classification system. One of these is the Freedom of Information Act that became effective on July 4, 1967. This act was designed to give Congress and the people greater access to the government's information. Because the Act recognizes that Executive Orders can be issued to keep information secret in the interest of national defense, the government argues in this case that Congress has implicitly given the President statutory authority to control the dissemination of classified information.

"That is a technical truth," notes Leonard Weinglass, Russo's chief attorney, "but it's a far different

peg to say that there is a lawful function which every citizen's representative in Congress has approved of and passed upon that you are bound by. You know, for example, that ignorance is no defense to a violation of law. That is true because your representative in Congress participated in the making of that law. It's kind of a link in the democratic chain. But then the argument is: What about when your representative did not participate, like in this case? So, the implied powers argument falls when you look at the basis upon which people in this country can be criminally charged."

But, the judge agreed with the government and cited the Act as one basis for his denial of a defense motion to dismiss this first conspiracy charge. Ironically, then, the Justice Department is indirectly using the Freedom of Information Act to prosecute Russo and Ellsberg for freeing information for the American people. If the government obtains a conviction on this charge, it will have succeeded in securing statutory status for the President's classification system—and, by implication, all other Executive Orders!

Espionage

Ellsberg and Russo are not charged with giving away secrets about military weaponry or current strategy, nor are they charged with violating any law that makes it a crime to release classified information. Unlike Britain, America has no broad Official Secrets Act. Congress has always refused to give the President the power to make it a crime to release a document simply by stamping it "top secret." A Federal employee who discloses classified information may lose his or her security clearance or job, but cannot be sent to prison for that offense alone. In only three narrow instances does America have official, Congressional secrecy measures. These cover information about codes, certain atomic energy data, and information given to a foreign agent by a government employee. None of these apply to the Pentagon Papers case.

The prosecution of Russo and Ellsberg for espionage is unique because the release of classified information to the American people has never been regarded as "spying." In fact, classified information is regularly "leaked" by government officials, authorized and unauthorized, often for purposes of Congressional and public opinion manipulation. This "leaking" river of secret information also floods on a regular schedule. Everytime Congress prepares to vote on military appropriations—missile gaps, submarine gaps, jeep gaps and garbage gaps suddenly materialize from the secret files of the Defense Department. Departments within the Pentagon leak each other's material and their own in order to justify higher appropriations.

For example, during a period of inter-service rivalry over weapons systems, Army colonels released to *The New York Times* an Air Force staff paper deprecating the military effectiveness of Forrestal class carriers. The Army's purpose was to convince the Navy that the Air Force was leaking papers prejudicial to its interests! In the Spring of 1970, military and civilian officials launched a series of leaks and counter-leaks designed to influence President Nixon's decision on troop withdrawal rates from Vietnam. In an affidavit on behalf of the defense, John K. Galbraith reported that he frequently leaked classified information when he was Ambassador to India because "I found it easier to bring my views to bear on the President. . . by way of the *Washington Post* and its New Delhi correspondent than by way of the State Department. The

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FIRING LINE

Guest: Daniel Ellsberg, Center for International Studies, MIT

Subject: "THE PENTAGON PAPERS"

SOUTHERN EDUCATIONAL COMMUNICATIONS ASSOCIATION

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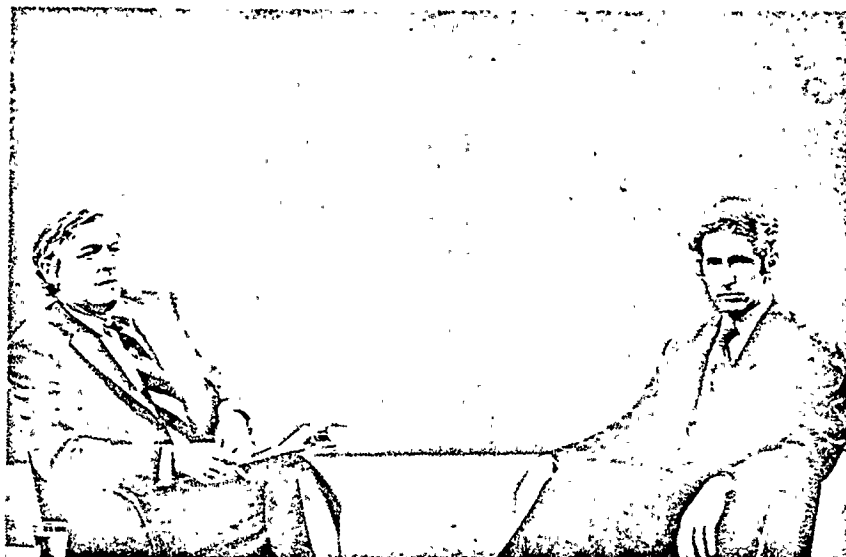
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SECA PRESENTS

FIRING Line



Host: WILLIAM F. BUCKLEY, JR.

Guest: Daniel Ellsberg, Center for International Studies, MIT

Subject: "THE PENTAGON PAPERS"

Panelists: Anne Evans, president, Students United for Life
Dana Rohrabacher, free-lance writer, libertarian
Judith Stiehm, professor of political science, UCLA

FIRING LINE is produced and directed by WARREN STEIBEL

This is a transcript of the FIRING LINE program taped at KCET in Los Angeles on July 25, 1972, and originally telecast on PBS on July 30, 1972.

SOUTHERN EDUCATIONAL COMMUNICATIONS ASSOCIATION

MR. BUCKLEY: Mr. Daniel Ellsberg is on trial here in Los Angeles for what we might as well call his life since, if he should lose on all counts and be given the maximum penalty under the law, they could send him up for 115 years, which would give us plenty of time to end the Vietnam war in time for his release.

I do not know whether what he says here can be used against him at the trial and thought to ask him while on camera rather than preliminarily to satisfy what is, I'm sure, a common curiosity about how one is supposed to behave on television during the trial. Mr. Ellsberg, of course, is the gentleman widely acknowledged as having turned the so-called Pentagon Papers over to *The New York Times* and other newspapers last summer. The government got an injunction against their publication, the dispute went to the Supreme Court, and *The New York Times* won by a substantial majority. But that decision releasing the *Times* to publish did not derivatively exonerate those who gave the classified material to *The New York Times*, whence the current action.

Mr. Ellsberg was graduated *summa cum laude* from Harvard where he also took a doctorate in economics, having served in between as an officer in the Marine Corps. He went then to the Rand Corporation and then to the Pentagon to act as consultant. In 1965, he went out to Vietnam for the State Department and returned two years later greatly disillusioned by the war. It happened that at that moment Secretary McNamara commissioned an exhaustive inquiry into the background of U. S. participation in the Vietnam war, and Mr. Ellsberg was available to take an active role in it. That's how he got the copy of the secret papers he subsequently released. He now has a new book, published today, called *Papers on the War*, and he is with the Center for International Studies at MIT.

I should like to begin by asking Mr. Ellsberg whether he has any quarrel with the espionage statute as it is written — but first, what about the legal point I raised?

MR. ELLSBERG: Well, you haven't come to an expert. I'm a beginner at being a defendant and all I know is what I've heard in court, really. The judge has placed no gag rule on anyone. I think it's very uncommon to do so for defendants in any case. We'll have a lot to talk about other than the trial, I would expect.

MR. BUCKLEY: No, but just on the tactical

point — are you free to say anything? I don't want to ask you maladroitness questions.

MR. ELLSBERG: I'm free to use my own judgment and I don't expect anything would come up that would require me to move off from it, but if it does, I'll comment.

MR. BUCKLEY: Oh, okay, fine. All right. What about the espionage statute — there seems to be a lot of ambiguity about just what it says and just what it ought to say. Is there a difference between the two?

MR. ELLSBERG: Well, the espionage statute has, in the past, been understood in a pretty straightforward way to apply to espionage. It's never been used in any other context except against spies or people who gave information or documents to foreign agents with intent to harm the interests of the United States or help a foreign power. The prosecution has, in fact, been unable to come up with an example of a case, recorded or unrecorded, where there has been an indictment under the espionage statute that wasn't for espionage and one that did not allege intent to harm the interests of the United States. My indictment does not allege that intent and it's been framed to avoid any discussion of intent to harm the interests of the U. S. The prosecution has clearly no desire to raise that issue and is trying to narrow the case away from that.

MR. BUCKLEY: Well, let me ask you this. Suppose somebody were to publish in his newspaper, the day before, news about the Normandy landing. Now, in fact, I suppose we would all agree that the Nazis would have profited from that disclosure, but that would not have been the primary intent, would it, of the publisher? His intent would have been to sell more newspapers or get some sort of a prize.

MR. ELLSBERG: Well, of course, the *Chicago Tribune* did publish before Pearl Harbor details of our Rainbow plans for the war and, during the war, in mid-war, published information derived from monitoring Japanese communications having to do with the Battle of Midway. In neither case did an indictment ensue.

MR. BUCKLEY: And in neither case was it because of a renowned patronage between FDR and Colonel McCormick.

MR. ELLSBERG: No, I think it was for the

reason, really, that there has been no indictment at all under the Espionage Act for so-called "leaks" which, as you know, happen daily and weekly — not because the government has not been very angry in the past at those leaks but because government counsel have always told the angry secretary of state or secretary of defense or head of CIA that they really had no statute under which to prosecute a revelation to the American public. That opinion has been given in writing in a number of administrations.

MR. BUCKLEY: But, of course, it's impossible to reveal something to the American public without revealing it *urbi et orbi*, isn't it?

MR. ELLSBERG: Yes, that's one of the risks that you have in a free press.

MR. BUCKLEY: Yes, and therefore it follows that your saying, "revealing something to the American public," is a rather empty statement, since you can't reveal it to the American public without revealing it to the German public or the Swahili public.

MR. ELLSBERG: Well, what you *can* do, you see, with a good, effective secrecy system such as we do have, is to reveal something to an enemy during what amounts to wartime without revealing it to the American public. It's kind of ironic. That's what we did in '64 when I first went into the Defense Department — not, by the way, as a consultant but as an official. I went in in the summer of '64. One of the first things I learned was what was then a super secret — it's been discussed in Canada now for some time, but at that time it was regarded as quite secret that the Canadian commissioner on the ICC, the Indochina Control Commission, was serving as a go-between between our White House and State Department and Hanoi in his visits there. He communicated to Pham Van Dong and Ho Chi Minh, first in June, '64 and later in August, that North Vietnam faced grave devastation if they did not call off the insurgency in the South. Now that, you'll remember, was during an election campaign in which the President was conducting a campaign against Senator Goldwater in a way that by no means conveyed to the American public that he was making that precise threat to — I'm not talking about contingency plans now or any kind of plans;

I'm talking about communications from our head of state to the North Vietnamese heads of state.

MR. BUCKLEY: Yes, but you're not talking about the espionage statute. I'll spend as much time as you want on these points, but I would, if you don't mind, like just to try to clear them up on the way.

MR. ELLSBERG: Well, may I say the general principle here is that the classification laws are not based upon the espionage statute, I'm sure you're aware, or on any statute. They are administrative regulations within the Executive Branch. Those laws operate in a way to make it possible to conceal things from the American public that are not concealed from allies, from other countries, or from our enemies. In fact, one thing that led to my revelation of the Pentagon Papers was the knowledge that I gained in late summer of 1969 that we were reproducing the experience of '64, that President Nixon had conveyed to the Russians that Haiphong Harbor would be mined, their ships would be blockaded and North Vietnam would be destroyed by the air. And I repeat, I learned this in September of 1969. This would happen *unless* the Russians induced Hanoi to come to an acceptable agreement or unless there was essentially quiet in South Vietnam and it would happen before the election of '72. In other words, I've had, thanks to contacts that I've had in the Executive Branch over the years, information that the American public didn't have but that Russia and China and Hanoi *did* have.

MR. BUCKLEY: I have no doubt at all. I don't doubt for a minute that the Kremlin knows much more about our defense setup than I do, for instance.

MR. ELLSBERG: Not thanks to the newspapers. The newspapers didn't —

MR. BUCKLEY: No, no. Thanks to people like Klaus Fuchs. I mean Klaus Fuchs doesn't tell me what he tells —

MR. ELLSBERG: You're not comparing President Nixon to Klaus Fuchs, surely.

(laughter)

MR. BUCKLEY: Well, the similarities would occur more quickly to you than to me.

MR. ELLSBERG: Or President Johnson.

MR. BUCKLEY: Or to Jane Fonda.

MR. ELLSBERG: I'm talking about communications from the head of state.

MR. BUCKLEY: Well, but I'm talking about the espionage statute. I started off by saying —

MR. ELLSBERG: I would not have indicted President Nixon under the espionage statute.

(laughter)

MR. BUCKLEY: That's, of course, frivolous because the Constitution of the United States — which, incidentally, I urge you to Xerox (laughter) — confers on the executive the right to make foreign policy, subject to certain stipulated safeguards. I want to know this —

MR. ELLSBERG: Yes, such as the advice and consent of the Senate which, in this case, of course, was among those who did not have the information of either of these two communications.

MR. BUCKLEY: Well, that's an interesting argument. There are 99 senators who voted for the Gulf of Tonkin Resolution, one who voted against it.

MR. ELLSBERG: Yes, I was in the Pentagon while they were lied to and misled during that period. What is your opinion of having gotten what amounted to what the administration, *my* administration, the Democratic administration used as a functional equivalent to a declaration of war by what was clearly fraud and what I knew at the time to be fraud? You know, I'm not indicted only under the Espionage Act. Perhaps we should admit or reveal that I am also indicted under count one of the conspiracy statute which reads, "conspiracy to defraud the government of its rightful function of controlling information."

MR. BUCKLEY: And your question is what?

MR. ELLSBERG: What I've been describing here is the function of the executive in defrauding the public for over 25 years.

MR. BUCKLEY: I happen to believe that no election was ever won without defrauding

the public. (laughter) One has only to listen to Mr. McGovern or Mr. Nixon for 15 seconds to know that they are defrauding the public on the basis of what they will accomplish.

MR. ELLSBERG: On the contrary, I can give you an election that required no fraud. The election of President — so-called President — Thieu, in his last election, really involved no fraud. He was the only candidate. I think he had no occasion to speak a lie.

(laughter)

MR. BUCKLEY: I happen to think that the professor from Harvard who went out there to observe that election and returned and said it was about as honest as the Commonwealth of Massachusetts elections was probably accurate. Many people may have missed the irony, but I didn't.

MR. ELLSBERG: May I say my ambassador —

MR. BUCKLEY: You use words like "lying" and "defrauding" and so forth with extraordinary abandon. Murray Kempton said about you that you always go too far, "too far in his moral allegiance to the war, too far, now, in his moral wrath against its authors." I happen to believe that there is no warrant for us to proceed on the assumption that everybody who has been involved in government with the exception of you and your 15 friends is ignoble and that you are noble.

MR. ELLSBERG: That would be a very weak step.

MR. BUCKLEY: But I do want to ask whether you believe that an espionage statute such as we have in Title XVIII ought to exist or should it be repealed?

MR. ELLSBERG: Oh, no, I think that it definitely ought to exist and that it ought to be applied, as it always has been applied in the past, to spies.

MR. BUCKLEY: Okay. Now —

MR. ELLSBERG: This was the intent of Congress. It's always the practice of the courts. Every previous government counsel has said, "We do not have an official secrets act as in England and the Espionage Act is

not that act." The next question that I think lies behind your question, which I'd be glad to discuss, is, "Should there be an official secrets act?"

MR. BUCKLEY: You don't mind keeping it on the books, provided it's not used.

MR. ELLSBERG: Provided it's used the way it is used quite frequently and has been used as against people like Klaus Fuchs, for example. It's been used a lot.

MR. BUCKLEY: Well, of course there was an English transgression, but —

MR. ELLSBERG: It's been used a lot.

MR. BUCKLEY: Yes. All right, now, let me ask you this.

MR. ELLSBERG: Never for a leak.

MR. BUCKLEY: Do you believe that somebody who publishes in his newspaper that there's going to be a Normandy landing ought to be taken to jail or not? Now, don't tell me that they didn't take McCormick to jail because we went through that. Should they or should they not take him to jail?

MR. ELLSBERG: Well, the opinion of the Supreme Court — and I speak as a layman but as one who's been forced to do some homework on this in the course of this trial — in *Near vs. Minnesota* decisively went against prior restraint.

MR. BUCKLEY: In which prior restraint was issued.

MR. ELLSBERG: There was an opinion that went along with that that specifically said that the sailing of troop transports and the other matters might well be subject to prior restraint in addition to, perhaps, criminal sanctions. That was not an opinion —

MR. BUCKLEY: I'm not talking about prior restraint.

MR. ELLSBERG: Well, even prior restraint and *a fortiori* criminal sanctions. That was not concurred in by all the justices, but has been considered —

MR. BUCKLEY: A *fortiori* would not apply to the publishing agent; it would apply to the person who transmitted the secret. Now, there were two statutes involved in both

cases.

MR. ELLSBERG: Well, I would have to say that it has never been tried. There have been such leaks. There never has been a prosecution. If there were one, I would certainly expect it to be very controversial and I would expect many people to feel it was just to send such a person to jail. I'm not sure I disagree.

MR. BUCKLEY: Okay, now, let's explore this situation in terms of what seems to be a common distaste for the official secrets act.

MR. ELLSBERG: Pardon me. You're aware that there's no such information in the Pentagon Papers, of course.

MR. BUCKLEY: Excuse me?

MR. ELLSBERG: You're aware that the Pentagon Papers, which were the secrets that I had to make a decision about, involved no such information, I'm sure.

MR. BUCKLEY: I'm aware that that is your position.

(laughter)

MR. ELLSBERG: Since there was all of three years before it came out in the paper, the sailing of troop transports or ongoing combat operations were hardly at stake.

MR. BUCKLEY: May I take the risk of embarrassing you by quoting you?

MR. ELLSBERG: I'm not easily embarrassed, Mr. Buckley.

MR. BUCKLEY: On the 4th of March, 1971, in New Haven, you gave a speech in which you recounted what it was that caused you to come to the decision to release these papers. And in that speech, you said that you had wind of the fact that Mr. Nixon was going to renew his offensive against Hanoi —

MR. ELLSBERG: That's what I just told you.

MR. BUCKLEY: — and that he might even go so far as to invade North Vietnam; therefore, you decided to release those papers. Now, it seems to me that if you grant that it is disadvantageous to Hanoi to be invaded, there is a clear relationship

between your decision and the advantage that inured to the enemy.

MR. ELLSBERG: It is no less disadvantageous to this country. Do you believe that it is really more disadvantageous to Hanoi to be invaded by us, than to us? That would be —

MR. BUCKLEY: No, no, no, no, no.

MR. ELLSBERG: — an evil and a wrong for this country as much as —

MR. BUCKLEY: I covered that McCormick precedent about wanting to sell more newspapers and so on. The point is that the espionage statute says, "You may not give away information which you acquired secretly and which was given to you in confidence, with the intent of helping the enemy."

MR. ELLSBERG: Pardon me. Have you ever read the espionage statute?

MR. BUCKLEY: Now, you were clearly helping the enemy to the extent that you produced something the purpose of which was to abort what you understood, or so you told the people up in New Haven —

MR. ELLSBERG: What is your attitude on revealing information to the public? As you say, there is really nothing that can be said to the public by the President or anyone else that doesn't inform the rest of the world.

MR. BUCKLEY: Now, Mr. Ellsberg —

MR. ELLSBERG: I don't accuse the President of helping the enemy when he tells the truth to the American people. I do accuse him of doing harm to this country when he lies to it.

MR. BUCKLEY: We can't get very far with these general incantations of yours. You're saintly (laughter) and everybody else is a liar and a defrauder and so on and so forth.

MR. ELLSBERG: You have not heard me say I was saintly.

MR. BUCKLEY: I have no reason to suppose that you are more patriotic than Richard Nixon.

MR. ELLSBERG: Absolutely not. Have you heard me say so or suggest that?

MR. BUCKLEY: Oh, my God, it reeks from your whole moral bearing.

MR. ELLSBERG: You're mistaken.

MR. BUCKLEY: "He's a liar. He's defrauding. He's this, he's that and the other."

MR. ELLSBERG: I have participated in many lies to the people of this country.

MR. BUCKLEY: I've never called him a liar. I've never called you a liar. I've never called Lyndon Johnson a liar. Now, this may be an excess of prudence —

(laughter and applause)

MR. ELLSBERG: On the contrary, on the contrary, I'm the last person in this audience, I would guess, to be invidious when I use the word "lie," and I don't use it —

MR. BUCKLEY: Oh, come on.

MR. ELLSBERG: Pardon me, I don't use that with abandon. The question —

MR. BUCKLEY: It's just that so many people qualify, is it? You don't use it with abandon, it's just that so many people qualify for the label?

MR. ELLSBERG: No, I would say I very specifically, working for the Executive Branch for 15 years including the Marine Corps, but 12 years outside that, participated in a great many lies, shielded many lies and, on some occasions I would have to say, wrote lies for other people. I wasn't in a position of speaking to the public actually, but I wrote lies for other people. I think that was a mistake. I did it in a good cause, but I think that lying was done with too great abandon, by everyone who did it and I participated in it with too great abandon.

MR. BUCKLEY: Well, I hope —

MR. ELLSBERG: So, there is absolutely nothing invidious and, may I say, I really reject that very strongly.

MR. BUCKLEY: Yes, but the trouble with saying, "Look, everybody is a liar and I'm a liar, too" is that you sap the sting from —

MR. ELLSBERG: Yes, not everybody, not everybody. I worked for the Executive Branch. The density of lying in the Pentagon, where I worked, I by no means want to say was no worse than anywhere else. It was worse. It has been worse.

MR. BUCKLEY: Of course it is.

MR. ELLSBERG: It's still worse.

MR. BUCKLEY: Of course it is and that doesn't surprise us conservatives. You like to say to college audiences, "I come before you as a war criminal."

MR. ELLSBERG: I don't like to say it.

MR. BUCKLEY: Well. (laughter) You do say it. Let's put it this way: you force yourself, and having said that you invite them to observe a certain distinction; i.e., that you are a self-confessed war criminal and, therefore, contrition having been rendered, absolution is in order.

MR. ELLSBERG: The distinction is that I'm a war criminal in court.

MR. BUCKLEY: But the other people are continuing criminals, right? But you don't use excessive rhetoric; you don't use invidious words. But you're a war criminal. What does that make Lyndon Johnson? At least that, doesn't it?

MR. ELLSBERG: Oh, yes.

MR. BUCKLEY: And Walt Rostow, and McGeorge Bundy and all those.

MR. ELLSBERG: Oh, yes. Not you, so far as I'm aware. That's the difference.

MR. BUCKLEY: Not who?

MR. ELLSBERG: Not you, as far as I'm aware.

MR. BUCKLEY: Well, but I wasn't actually laboring under that —

MR. ELLSBERG: I do make a distinction between the responsibilities of officials of this government and people who also serve a very important function under our Constitution but who aren't officials in the Executive Branch. I'm sure I disagree with you about many things about the war. I know of no way to make you nearly as

responsible as I, and I don't want to be pretentious about that. My responsibility in the official office —

MR. BUCKLEY: You've had a lot of practice.

MR. ELLSBERG: My responsibility in official office — I wonder how many times you have heard me, Mr. Buckley.

MR. BUCKLEY: Well, I've read a great deal that you've written. I haven't heard you before, ever.

MR. ELLSBERG: Well, perhaps you have a mistaken impression. Perhaps by the end of the hour you'll understand it.

MR. BUCKLEY: Mr. Ellsberg, since we are engaging in very convincing and very seductive acts of charity, I suggest that for you to appear and to say that you are a war criminal *a fortiori* makes all of the people you were associated with, with higher authority than your own, also war criminals —

MR. ELLSBERG: That's true.

MR. BUCKLEY: — General Lansdale, Secretary McNamara, Schlesinger, Galbraith, the whole lot.

MR. ELLSBERG: I think that's an important thing to say — that no one is above the law in this country. I'm not; the President is not; my boss, whom I continue to respect very much, General Lansdale, is not; the ambassadors I served are not.

MR. BUCKLEY: Are not what?

MR. ELLSBERG: Are not above the law. And I think laws have been broken.

MR. BUCKLEY: Who is above the law?

MR. ELLSBERG: I think laws have been broken in this country. Not only have illegal acts been done, but actually acts that are considered criminal under international law have been done. I say that to the best of my understanding. I'm not a lawyer.

MR. BUCKLEY: Well, international law, as you know, is a very imprecise thing as regards the definition of criminality and, in the hot pursuit of criminality, it seems to me that international law ought at least to

pause, for instance, to consider people like Ho Chi Minh before pausing to consider people like General Lansdale —

MR. ELLSBERG: Before.

MR. BUCKLEY: — who have always wanted to get the hell out of South Vietnam — that being the only thing they want to do. The difference between him and Ho Chi Minh is Ho Chi Minh wanted to move in to South Vietnam.

(laughter)

MR. ELLSBERG: I don't want to debate General Lansdale, but I think I do know his opinions better than you, probably. I have not been on any campaign to start prosecutions of any American, strictly speaking — not of me or of anyone else. I think that what we need right now is not more people in the dock, not more people in jail. There have been enough victims of this war already and there are too many people that this war has put in jail wrongfully. I don't want to add to that. I do think that the notion of accountability —

MR. BUCKLEY: You come out for "impeachments" in the Executive Branch. Who do you have in mind?

MR. ELLSBERG: Well, impeachment does not put anyone in jail, you're aware. Impeachment removes from office someone who has abused the trust of the American people. I don't think Richard Nixon is the first to do that. The presidents I served, I think —

MR. BUCKLEY: You would consider that less significant than 30 days in jail for drunken driving?

MR. ELLSBERG: Or 115 years.

MR. BUCKLEY: You see. . . (laughter) What makes it possible for everybody to smile about that is that they know you're not going to go to jail for 115 years.

MR. ELLSBERG: No, with good time, I should get out in 35.

MR. BUCKLEY: If they sentence you to 115 years, I will scream.

(laughter)

MR. ELLSBERG: What are you suggesting?

MR. BUCKLEY: What I'm suggesting is that a free society or a society that aspires to be free — there's no society ever that's been completely free — has got to make certain balances and they've got to try to make things like foreign policy; they've got to decide that a guy who wants to take all of the stuff that he has collected, that was given to him because they trusted his word that he would not reveal it, and simply give it wantonly is somebody concerning whom there ought to be a position. We don't think of England as a totalitarian society, but in England you would have been put in jail in about 24 hours.

MR. ELLSBERG: That's true.

MR. BUCKLEY: But we don't think of it as a totalitarian society. Now, we want to be as permissive as we can be and the question is how permissive can we be —

MR. ELLSBERG: The founders of our Constitution didn't think of England as a totalitarian society, but they did think of it as a kind of government that they wanted to improve, and they thought of the First Amendment as one of the first improvements that they wanted to make —

MR. BUCKLEY: Mr. Ellsberg, two observations: between the time that the Declaration of Independence was written and the England that we are talking about, there were a series of reform acts numbering in the hundreds which make English society today totally distinguishable from English society at that point; the second is that the founding fathers took some pains when they wrote *The Federalist* papers to stress the absolute necessity for secrecy in the course of conducting foreign relations. You are aware of that particular incident?

MR. ELLSBERG: Yes, I am. I'm also impressed by what the drafter of the First Amendment said about it, which was this: "Knowledge will forever govern ignorance and a people that mean to be their own governors must arm themselves with the power that knowledge gives. A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy or perhaps both."

MR. BUCKLEY: Who said that?

MR. ELLSBERG: The drafter of the First Amendment.

MR. BUCKLEY: Won't you identify him? Or is that a secret?

MR. ELLSBERG: I didn't want to embarrass you — James Madison.

MR. BUCKLEY: James Madison. And you are, of course, aware that Jefferson, who is considered to be the patron saint of personal liberties, at one point wondered whether or not all newspapers shouldn't be abolished.

MR. ELLSBERG: Is that the same Jefferson who said later —

MR. BUCKLEY: Yes, that's the same one. That's the same one. (laughter) He is guilty of contradicting himself.

MR. ELLSBERG: Is he the same one who said that if he had to choose between government without newspapers and newspapers without a government, he would not hesitate for a moment to take the former?

MR. BUCKLEY: Oh, sure. That's the same one, which is —

MR. ELLSBERG: I mean, newspapers without a government. I may have reversed the order of those.

MR. BUCKLEY: Yes, which is, I suppose, one of the reasons why there's a whole book about the other Jefferson.

MR. ELLSBERG: I think I know how that happened. You see, I think I know better how that happened — why there are two Jeffersons — than I knew five years ago. The difference was that one had been in office for awhile. Jefferson, not any more than me or you or anybody else, was not immune to the temptations of power and the corruption of power. I was very dismayed to discover something rather recently. I once had to get a quotation from a Jefferson speech, for Lyndon Johnson's first speech to Congress, in fact. He didn't use this quotation in the end, but we were drafting it in the Pentagon and we went over to the Jefferson Memorial to get it off the wall. Somebody remembered it being there. The quotation is, "Indeed, I tremble for my country when I reflect that God is just and that His justice will not sleep forever." He didn't use that

quote, but I'll tell you one thing that dismayed me very much. That was that I discovered recently in some reading that I was doing that from the moment he began to run for president, Jefferson never again publicly mentioned the slavery issue. That's very sad. I don't, and I'm sure you don't, find that very funny. I think that's very relevant to what we're talking about.

MR. BUCKLEY: I think you should be introduced to the whole meaning of democracy. The whole meaning of democracy is that you go with the majority, subject to as many restraints as you can get the majority itself to consent to be hamstrung by, and the whole business about freedom is that it provides people the liberty to be very unpleasant. Now, it will be a historical judgment made —

MR. ELLSBERG: It provides the president with the power to be more than our president.

MR. BUCKLEY: — after, I hope, your indictment has been assimilated, whether America has, on the whole, dealt well with the liberty that we have. It is, however, the case that you have, for instance, back when you were saying it was mostly generals and so on who wanted to deceive the United States —

MR. ELLSBERG: Oh, on the contrary, civilians, I think, played a much more important role.

MR. BUCKLEY: Civilians, sure. Take *The New York Times*, June, 1964: "The use of the national economic and military resources to disabuse Mao and Ho of their illusion that they can subvert South Vietnam is entirely justified." Or take Neil Sheehan — he's the hero, remember? Neil Sheehan's the guy who published *his* (Ellsberg's) stuff — in August of 1964 —

MR. ELLSBERG: Not my stuff, your stuff. (applause)

MR. BUCKLEY: Sure. "The fall of Southeast Asia, because of an American defeat in Vietnam, would amount to a strategic disaster of the first magnitude."

MR. ELLSBERG: I've said things equally foolish:

MR. BUCKLEY: I know. All right, all right.

MR. ELLSBERG: Mr. Buckley, I'm not here to feel compelled to defend the practices of *The New York Times*. You haven't heard me very well.

MR. BUCKLEY: I'm not here to dispute the question of whether we're appealing from Phillip Drunk to Phillip Sober or Phillip Sober to Phillip Drunk. I am saying that the process, on the basis of which it is agreed that a democratic country went to war in 1964 and 1965, intending to do perfectly legitimate things, is now used by you to call them "war criminals." This is an exercise in violent rhetoric of a kind that hardly constitutes the membrane of pacification and, in the course of doing that, you get to extraordinary smugness which is a little unpleasant.

MR. ELLSBERG: Pardon me. You know, you do have it coming and going here. You start with the assumption that I speak from a position that separates me from the people I served with; that there is an unpleasant invidiousness; that I am more noble than they. When I mentioned that by no means have I ever considered that, that I participated on a lower level and, not to be pretentious, I participated in my small way in things that they were doing that I certainly think were wrong, then you immediately say that I am a fanatic.

MR. BUCKLEY: I don't think McGeorge Bundy would say he was a liar. You're saying that a lot of people are opposed to the Vietnam war who at one point were for it, like you. That's true. But the people who were for it and oppose it now — McGeorge Bundy would be an example — don't think of themselves as liars.

MR. ELLSBERG: It is regrettable if he has not come to that insight.

MR. BUCKLEY: It is quite true that public documents, whether it's a Democratic platform committee that shows us how we're going to reach eudemonia day after tomorrow under President McGovern, are "lying" if one wants to use the word with the kind of abandon with which you are using it.

MR. ELLSBERG: Pardon me. What would you regard as a precise use of the word "lying"?

MR. BUCKLEY: If you simply say, "It's a

part of the public rhetoric," that's exactly the way they use it.

MR. ELLSBERG: I think, again, you want to have it both ways. You, I believe, want to say — if I may quote you elsewhere — "I think governments lie. All governments lie. Everyone lies." I think some governments lie more than others and I regret any tendency to bring us into the high lying density. What would you regard as a precise use of the word "lying"?

MR. BUCKLEY: It depends on the definition. Now, when Jack Kennedy said he had a cold and had to go back to the White House, he didn't have to go back to the White House because he had a cold. He had to go back to the White House because somebody told him there were 22 missiles in Havana. All right, now, is that a lie? I don't call it a lie in any serious sense.

MR. ELLSBERG: Yes, I call it a lie. It's a question of whether you would testify —

MR. BUCKLEY: If you want to call that a lie, then you've got to find a word that distinguishes that from lying in the sense of saying, say, on election eve, "I have just reached a deal with Hanoi and they promise to end the war tomorrow." That is a lie. That's different from the other, isn't it?

MR. ELLSBERG: What would you call this: going before a closed session in the Senate, speaking in closed testimony to people who were all cleared for classified information and telling them all that the so-called attacks — which I followed in cables in the Pentagon on the night of the alleged attacks on the Tonkin Gulf — were entirely unprovoked and that attacks which the North Vietnamese claimed had led to the first attack, which was admitted, were not ours, that they were the Vietnamese, that we had only the mildest information about those operations, that we approved of them, that we felt the Vietnamese had that right, when in fact they were American operations, 100 percent, which we controlled entirely. They were entirely American operations, covert operations, of which we knew every detail in Washington.

What would you say of Secretary Rusk who, at that time, in closed testimony which later was released to the Senate, when asked about such operations said, "Yes, they go on but we don't follow them in any detail." Accompanied by a Pentagon colonel, I used

to carry around on a clipboard, to the number two man in the State Department and to McGeorge Bundy in the White House, the biweekly schedule of those operations which specified how many 81 mm. mortar rounds would be dropped in the Cap Mui Ron estuary, how many fishermen would be kidnapped off fishing boats, how many shells would be fired. This was a rather petty use of the time of the secretary of state though, at that time, it was the only war we had. (laughter)

Later, he devoted himself to picking bombing targets in North Vietnam, but at this time that was the detail in which those were followed.

MR. BUCKLEY: Shall I try to answer you?

MR. ELLSBERG: No, I just want to get your use of the word.

MR. BUCKLEY: You did ask me a question, right?

MR. ELLSBERG: Yes, I —

MR. BUCKLEY: And shall I answer it? You asked me a question — what would I call it, right? I would call it one of two things depending upon the circumstances. (laughter) And maybe I can persuade you that the distinction is defensible.

MR. ELLSBERG: The context is a historical one. Feel free to disagree with it.

MR. BUCKLEY: Yes. If I felt that my job under the Constitution of the United States was to provide for the common defense and I was an agent of the commander in chief, I would disclose all or not all, depending upon whether I thought the people I was speaking to would guard the secret. If you were in the room, I would lie. (laughter and applause) If, however, I had absolute confidence that you would *not*, that you would not —

MR. ELLSBERG: You *are* going to say what you would do if I were *not* in the room.

MR. BUCKLEY: Now, we've got people like Senator Gravel, for instance. It seems to me any president *ought* to be impeached who tells the truth in the presence of Senator Gravel if United States security is involved. Now, it's true that Roosevelt, for instance — he came back and in his briefcase, carried by General Wedemeyer at the time, was the deal he made with Winston Churchill to send

American troops to Iceland. The first question he was asked by the press was, "Did you make any promises involving the disposition of American troops?" "Oh, no, absolutely none at all." There it was, right in the briefcase.

MR. ELLSBERG: I would call that a lie. I would call it unconstitutional and I would say that that practice —

MR. BUCKLEY: I call it something else. I call it something else.

MR. ELLSBERG: What did you call it at the time?

MR. BUCKLEY: Well, I was six years old or whatever it was at the time.

MR. ELLSBERG: But I'm sure you had an opinion.

MR. BUCKLEY: Well, I would have had an opinion if I had known what was in the briefcase.

MR. ELLSBERG: What would you have called it when you were six?

MR. BUCKLEY: But General Wedemeyer didn't blow those papers.

MR. ELLSBERG: We knew some things when we were six, you and I, that we may have forgotten.

MR. BUCKLEY: It is technically a lie. If one lives in the real world, one recognizes that when Nixon promises something, or McGovern or Churchill or Roosevelt or whoever, there are no heroes. There are no heroes.

MR. ELLSBERG: I'm not talking about promises; I'm talking about statements of fact.

MR. BUCKLEY: Name me an effective politician who hasn't lied in the sense in which you are using the word and you name a politician that none of us has ever heard about.

MR. ELLSBERG: Yes, and I think our politicians have been all too effective in that way, and it's time to put some imperfect men in Congress to monitor the imperfect men in the White House and the imperfect men in the courts.

MR. BUCKLEY: Yes, I'm all for it. Absolutely, yes.

MR. ELLSBERG: I think the separation of powers is based entirely on the perception that our government should not be designed to be run by angels, because it won't be.

MR. BUCKLEY: I *couldn't* agree with you more. "Put not your faith in men," as our common friend Jefferson said, "but bind them down by the chains of the Constitution." I agree with that, but I also believe that it is impossible to conduct diplomatic business except with secrecy under certain circumstances. That's really why you're here — whether or not you are the person who decides what should be secret and what shouldn't.

MR. ELLSBERG: You know, we're talking about a particular incident. The interesting thing is that in the occasion we're talking about — August of 1964 — we are again at a point where the secrets were secrets from senators to such a degree that Senators Morse and Gruening could not convince their fellow senators that the Administration *might* be lying, which might have induced a few of them to join and to vote against the Tonkin Gulf Resolution. So any number you could name, including —

MR. BUCKLEY: Incidentally, that I don't follow. A lot of people tell this story you just finished telling and say, "Therefore, the Tonkin Gulf Resolution is invalid." But if exactly the right thing had been said, I can't imagine four people voting against the Tonkin Resolution. The Tonkin Resolution was voted under the benediction of people like *The New York Times* and Neil Sheehan and Hanson Baldwin saying, "We mustn't let them take South Vietnam away without suffering the possibility of a collapse of our whole network of treaties."

MR. ELLSBERG: I was about to make the point relating it to what we were saying earlier. You mentioned diplomatic negotiations requiring secrecy. You notice that once again the North Vietnamese knew whose 81 mm. mortar rounds those were. They knew who was kidnapping their fishermen. There was no secret from North Vietnam. They knew that when they sent torpedo boats against our DeSoto patrol, the intelligence patrol, by destroyers, they were sending them against the country that was sending those people. It was the Senate

that did not know that. Again, the secret was protected from the Senate, not from, what you would call, the enemy.

MR. BUCKLEY: Mr. Ellsberg, you also know, I assume, because you know more about this than anybody, that we had cracked their code at that particular moment and that we did not want to divulge to the Senate the fact of our having done so, and that that code showed the belligerent intentions of the flotilla in question.

MR. ELLSBERG: You're mistaken, but Anthony Austin has written an excellent book on this, on investigative reporting. *The President's War*, it's called. It lays this out in considerable detail. By the way, I didn't know all the facts at the time, but they are available now. The account in the Pentagon Papers is not too good.

MR. BUCKLEY: Okay, suppose we agree — I certainly would — that there's a hell of a lot more lying than Madison and Hamilton had in mind as necessary for the conduct of international policy. Let's agree on that. Perhaps you will join me in agreeing that this is done in the context of a kind of loose rhetoric among our politicians that is especially encouraged by liberals, which is a pity, and that, under the circumstances —

MR. ELLSBERG: I don't regard President Nixon as a liberal.

MR. BUCKLEY: — we should be much more censorious.

MR. ELLSBERG: That's a theory that I don't hold.

MR. BUCKLEY: Don't you think so?

MR. ELLSBERG: I don't know if you do or not. You *do* subscribe to that theory?

MR. BUCKLEY: I think that the rhetoric of liberalism is much more redemptive, for instance, than that of conservatives. On the whole, they promise more "free" everything and so on and so forth.

MR. ELLSBERG: What I think I learned from the Pentagon Papers that I didn't know before was that it hadn't made much difference to the amount of lying which party was in power, which president had held; it was not a matter of personality. I had to conclude it was a matter of role and

institutions. In large part, the fact that Congress —

MR. BUCKLEY: Oh, no, no, no. I'm not talking about the individual guys in government. I'm talking about what the surrounding situation is —

MR. ELLSBERG: Liberals and conservatives in office both lied.

MR. BUCKLEY: What is the surrounding situation that encourages lying? The surrounding situation is a total acceptance by the public of real looseness on the part of people who run for political office. "We're going to do everything," as I said, "for you free. We're going to have freedom now. We're going to have an end of poverty and end of sickness" and so forth.

MR. ELLSBERG: What if I were to say — would you really disagree — that the acceptance by the public of executive secrecy is what has made this lying possible and safe?

MR. BUCKLEY: No.

MR. ELLSBERG: I don't know how that lying could have been done. I'm not talking about rhetorical promises that aren't matters of fact. I don't know how the lying could have been done about matters of fact, which I could name — the number of troops to go to Vietnam on a paper that the President had just signed in the spring of 1964, about which we lied and lied and lied. And I wrote some of those lies. I don't think that would have been possible if officials like me had not been so obedient to the regulations of the Department of Defense as to protect those lies and I don't think I was right in doing that.

MR. BUCKLEY: Mr. Ellsberg, whatever else your role in history is —

MR. ELLSBERG: Do you think I was right, then?

MR. BUCKLEY: — I don't think that the United States public is prepared to commission you to be privy to all executive conversations in order to relate to us, sort of Nader-like, which of those you consider not to correspond adequately with the truth. What we need, presumably, is other criteria, but those criteria do not, in my judgment, justify civil disobedience, and the question

before the Los Angeles jurors is going to be whether you committed an act of civil disobedience *mutatis mutandis*.

MR. ELLSBERG: If they interpret it as civil disobedience — I suspect, by the way, that the jurors probably do imagine or assume that it is that and I believe they're misled. I think that we will be discussing that a great deal in court. It's not an act of civil disobedience. If it were, I believe that this jury, like most juries faced with such a problem, as in draft resistance and non-collaboration, will send Tony Russo and me to prison and we will go. If they decide the law was broken, that will settle it. I will go to prison, whether for 15 years or not.

MR. BUCKLEY: Well, that's the whole idea of the trial, isn't it?

MR. ELLSBERG: You've been asking what the law is. I believe the law has not been broken in this case. If I felt that it had been, then of course I would have pled guilty.

MR. BUCKLEY: Well, as I remember, last summer you were talking about the fact that you expected to go to jail.

MR. ELLSBERG: Yes, I didn't know much about the law or, if I might say, the Constitution, at that point. I'd worked for the executive.

MR. BUCKLEY: You missed a great deal, didn't you?

MR. ELLSBERG: No, I'd worked for the executive and I didn't think the Constitution applied to me.

(laughter and applause)

MR. BUCKLEY: Yes, you proved that.

MR. ELLSBERG: In practice, it did not, as the practice has been for the last 25 years. I think I've learned a lot by this experience as well as from the Pentagon Papers. I now know not only what the Bill of Rights says, which I really had no occasion to look at before, I think I know something of why it is what it is and I value it much more than I did before, not only as a defendant.

MR. BUCKLEY: Yes, and I suppose inevitably the question we raise is, does Hanoi know a lot more now than it used to

know?

MR. ELLSBERG: No, not as much as this audience. Not as much as the public. Hanoi will tell you, correctly, that they learned very little from the Pentagon Papers. I suspect. We kept them informed of our intentions to bomb, to blockade. We felt that was necessary, in a nuclear world, that the enemy know quite well what we were doing and it was also necessary that the American public not know. Those were the two requirements of policy.

MR. BUCKLEY: Yes, it makes it difficult to account for the speech given in Paris by their chief negotiator, the day after your papers were published, saying that the papers proved that we were the aggressors in this particular action.

MR. ELLSBERG: Proved to Americans. I don't think they felt that their word was credible enough to Americans, given the media and our President and so forth.

MR. BUCKLEY: Miss Evans.

MISS EVANS: Mr. Buckley, I'd like to raise the question of the basis of the lies that are under discussion here. You referred to civil disobedience, which kind of astonished me because the last thing I would have expected from a conservative would be an excessive attention to lies which are based on executive regulation.

MR. BUCKLEY: No, but they're not, not the one I'm talking about.

MISS EVANS: The Espionage Act does not, as Mr. Ellsberg pointed out, specifically apply as an official secrets act. In the absence of the executive —

MR. BUCKLEY: You're incorrect.

MR. ELLSBERG: No.

MR. BUCKLEY: You're incorrect.

MR. ELLSBERG: On this, I'm an expert.

MR. BUCKLEY: Title XVIII, section 794, section 201 is a law duly passed by Congress. It's not an executive order. You're talking about executive orders.

MR. ELLSBERG: Section 794, of course, is

not involved in my case.

MR. BUCKLEY: It's not involved, no.

MR. ELLSBERG: Then why did you mention it?

(laughter)

MR. BUCKLEY: She asked for the Espionage Act. I gave her the whole bit.

MR. ELLSBERG: There are official secrets acts, you might know — things that amount to official secrets acts in our country. In the light of the First Amendment, they are very carefully restricted to such things as cipher material, codes, nuclear weapons data — none of which is involved in the Pentagon Papers, or alleged. What's at issue here is whether it can be even constitutional for a directive to operate to put outside the realm of public discussion an enormous mass of information — about misgovernment, about deception, however you want to call it, about policy — so that I, as an official, or other officials could not speak of it to their wives, to their neighbors, to Mr. Buckley, to Jack Anderson or whoever. This is, I think, the kind of information that Jefferson and Madison had in mind when they wanted it protected by the First Amendment.

MR. BUCKLEY: There are those of us who see two questions there. One is, do they have the right to withhold? The other is, do you have the right, unilaterally, to decide that they shouldn't withhold? But anyway, I didn't mean to interrupt you, sorry.

MISS EVANS: Yes. It certainly seems very obvious to me that it is the combination of the regulations of classification acting with the official secrets act that has put Mr. Ellsberg on trial. It's surely obvious that without these purely executive regulations, the legal material for a trial would not be there. And, therefore, it seems very strange to me, as a conservative, that you would be defending that kind of lawmaking, which is usually anathema.

MR. BUCKLEY: Well, if it were obvious, it would be surprising; but it is not obvious. At least, it's not obvious to me. Mr. Ellsberg was indicted on 15 counts of laws that were not, as I say, passed by the chief executive. Now, always when the decision to prosecute is made, even though it is mediated by a grand jury, there is an executive decision to prosecute and this I don't deny, but that's

true in any case.

MISS EVANS: I meant much more than that. It seems to me analogous to the famous case in Nazi Germany — I'm not using this in any sensational sense, but purely as an illustration — which was one of the first cases in which the executive began to take on an *ex post facto* judicial status with respect to German criminal law. It was a case of someone putting ice nickels into a telephone machine, which apparently there had been no statute for before, and it was an executive interpretation.

MR. BUCKLEY: I should think the fraud statutes would cover that generically. Truly healthy societies don't have a law that says you can't freeze nickels and put them in the Coca-Cola machines.

MISS EVANS: That is completely true and yet, instead of simply extending the fraud statute, the German executive, purely because it was a convenient case, one that few people could argue with — I mean, it's hard to defend ice nickels — took this as the first case in which they arrogated to the executive the right to make *ex post facto* criminal laws. They used the fraud statute kind of as a building block. But there in the chain of evidence with which this person went to trial was an *ex post facto* law promulgated from on high by the German government. Actually, the chain was no stronger than that weak link. In the same way, in Mr. Ellsberg's trial, the Espionage Act is a sound, basic part of our law, but the one link in the chain than which the chain is no stronger are these security regulations which are purely executive.

MR. BUCKLEY: Well, I think that analysis is very reassuring because if it turns out to be an *ex post facto* prosecution, I'm quite sure the Supreme Court will throw it out.

MISS EVANS: I wasn't saying it was *ex post facto*. I was saying that executive decree was an integral part of the Ellsberg case and I'm aghast that a good conservative like you would defend it.

MR. BUCKLEY: Well, a good conservative like me would not defend it if that is what it were. We simply read it differently. I'm not a lawyer. I guess you probably are by now, but I have not widely heard the constitutionality of the challenge to Mr. Ellsberg criticized. He's defended on a lot of

grounds, a whole lot of grounds — *at least* enough to get him off — but not one of them that I know of alleges that this is what you say it is. Mr. Rohrabacher.

MR. ELLSBERG: The constitutionality is in question, but not precisely on those grounds.

MR. BUCKLEY: It's nicely patched together, by the way. I enjoyed it.

MR. ROHRABACHER: I have two rather pointed questions and two rather specific questions. The first is to Mr. Ellsberg. Last week on the steps of the Los Angeles Federal Courthouse, you had a press conference with your co-defendant, Mr. Russo. On the steps, he said that North Vietnam was the freest country in the world. By the way, you didn't voice any opposition during the press conference, that I could see, to that analysis. My specific question to you —

MR. ELLSBERG: I'm going to be hearing arguments like that in court, I'm sure — that I failed to speak up in time.

MR. ROHRABACHER: My specific question to you, given that as a premise you were a citizen of North Vietnam and you released to the public papers that they considered secret, what punishment would you expect from the North Vietnamese government?

MR. ELLSBERG: I don't agree that North Vietnam is a free country. I think that it's a self-determined country. I think that the government of North Vietnam is a Vietnamese government and, in that respect, it differs strongly from the government we have picked and supported for the Vietnamese in the South.

MR. BUCKLEY: Well, the Hitler government was a German government, wasn't it?

MR. ELLSBERG: Yes, and, again, not free.

MR. BUCKLEY: So what does that prove?

MR. ELLSBERG: Well, the issue of colonialism, the issue of self-determination comes in here. There's more than one principle in the world. On the question of freedom, I would not like to see us imitate or go in the direction of the unfreedom of

speech that exists in the countries that President Nixon has recently been visiting. I hope he was not attracted by those qualities in those countries, but that he saw other things to admire in them.

MR. ROHRABACHER: Well, you obviously have a disagreement with your co-defendant on the issue of whether North Vietnam is free.

MR. ELLSBERG: Oh, on many things.

MR. ROHRABACHER: Now, that leads into my question for Mr. Buckley. If you do consider North Vietnam an authoritarian regime and one of the main aspects of an authoritarian regime is the manipulation of information for the people and if you are opposed to the North Vietnamese regime, why are you then against Mr. Russo, who is trying to prevent that in this country?

MR. BUCKLEY: I'm not.

MR. ELLSBERG: Ellsberg.

MR. ROHRABACHER: Mr. Ellsberg. I'm sorry. Obviously, you've been arguing here a point with Mr. Ellsberg that —

MR. BUCKLEY: If I may say so, that's preposterous. It's like saying, "North Vietnam has red lights and arrests people who cross them when they're red. How can you defend red lights in America?" It's the fallacy of the compound. The distinction was formulated by Plato.

MR. ROHRABACHER: I'm sorry, I don't agree with that analysis. I mean you could also say, you know, Hitler killed opposition members and if right here I saw you arguing that maybe we should kill opposition members in the United States and then you said, "Well, that's a fallacious argument because they stop people from crossing red lights in Germany" — I mean that wouldn't make any sense.

MR. BUCKLEY: No, but —

MR. ROHRABACHER: I'm asking a specific question. Here the government is saying that we've labeled these documents "secret" and Mr. Ellsberg has said that these documents were not secret and the public should have a chance to know, and I'm saying authoritarian governments do the same thing. Mr. Ellsberg is trying to prevent this

authoritarian characteristic from happening here. Yet, you are defending this specific action.

MR. BUCKLEY: No, look. Your focus is wrong because your focus is on the fact that two people are involved doing the same thing. The purpose that motivates each is, in certain cases, that which distinguishes the one and makes it permissible and that which doesn't distinguish the other and makes it impermissible. I've used before the example of an old woman and an oncoming bus. There are those who would push her into the way of the bus and those who would push her out of the way of the bus. They're both pushing, but what is remarkable about the two is not that they are both pushers, but that they have something completely different in mind.

The purpose of a secret memorandum drafted by the Pentagon, so far as I know, is to try to defend the free world to the extent that we dimly understand the free world.

(laughter)

MR. ELLSBERG: Then you have not read the Pentagon Papers.

MR. BUCKLEY: I invite anybody who believes that there isn't a discernible difference between life here to get up and laugh over some such statement in, say, North Vietnam.

MR. ROHRABACHER: I agree. I agree that North Vietnam is an authoritarian government, but there's a difference. The difference is that in North Vietnam they make no pretense — I don't believe they make any pretense — about giving the people all of the information and here you are arguing about giving people information.

MR. BUCKLEY: No, they hold back all information except what they want them to have in North Vietnam.

MR. ROHRABACHER: But that's what you're saying here. That's what they do. Obviously, this is what the conflict is.

MR. BUCKLEY: There is a free press here. *The New York Times* people —

MR. ROHRABACHER: Not if you don't have the information. I'm a member of that free press. If I don't have the information, if everything I get is classified top secret and I

can't print it —

MR. BUCKLEY: Then you're saying there's no free press in England, and you're making a jerky point. (one person applauds) You *can* have a free press and certain things which are, nevertheless, withheld from the public.

MR. ROHRABACHER: I think that Mr. Ellsberg, in this discussion, has stated categorically that if it were troop movements and things like this, this would be wrong. This is not a violation of the free press. We're not talking about troop movements, obviously.

MR. BUCKLEY: There are any number of subcategories that we haven't discussed and I'll give you one. Suppose I'm working for Mr. Ellsberg and he says to me, "Look, I want a confidential memo on what you consider might be a possible response in such and such a situation." And I say, "Okay, I'll give it to you, but on the understanding that it is to be kept completely confidential." It is /who makes the decision and I ought to have complete sovereignty over my particular paper.

MR. ELLSBERG: Are you an official of the United States?

MR. BUCKLEY: Let's say I'm a consultant, your consultant, and you ask for this.

MR. ROHRABACHER: If you're being paid by the taxpayers, obviously the taxpayers should have a right to see it.

MR. BUCKLEY: That's not right. That's *absolutely* incorrect. The President of the United States is perfectly free, so is a senator, to call up somebody and ask him for his personal advice on the economy or whatever else, and there is no reason to suppose that advice belongs to everybody. The people have a right to change their president, to change their senators, but they don't have a right to stick their ear in every conversation.

MR. ROHRABACHER: Well, it depends on what you mean by "belong to." I have a feeling that if people pay their taxes and they buy it with their money and their labor, then they have a right to know.

MR. BUCKLEY: You're wrong. (laughter) Even public officials are entitled to a certain amount of privacy. Professor Stiehm.

MR. ROHRABACHER: But not in their jobs, when they're on the job. I mean, certainly they have a right to be private with their wives, with their families, with their friends, to play poker with the boys and be private about their hand; but, you know, not when they're talking about documents that are affecting the lives of the democratic society.

Actually, the first question I asked him I asked because I was afraid that he was defending what I consider an authoritarian regime, but, Mr. Buckley, I turned around and it seems to me you're defending authoritarian tactics.

MR. BUCKLEY: Well, maybe you misunderstand.

(laughter)

MR. ELLSBERG: By the way, since Tony Russo's opinion has been mentioned here — I think I know what he was saying quite well. Having studied the North Vietnamese defectors and prisoners of war, he knows more than most people in this country. He is referring, I think, specifically to evidence that that is a very popular government and well-supported. This is the explanation of why so many people have died for it and died in the liberation movement. That's a judgment which is not the same as a judgment of freedom, in my opinion. It's a judgment very relevant to our trial.

MR. ROHRABACHER: I'm sorry to disagree with you because he is your co-defendant. I asked Mr. Russo what he meant because it sort of rubbed me the wrong way, and I said, you know, "What do you mean?" And he said, "They don't keep secrets from the people in North Vietnam." I've got this on tape. "They don't keep secrets." If you want to see the vice-president of North Vietnam, you walk into his office and you talk to him.

MR. ELLSBERG: The North Vietnamese have lied very often. By the way, very many creditable things can be said about them. Like other governments that are dominated, exclusively really, by an executive branch, they lie more than they would otherwise because they have very good secrecy. I don't want to see this country, in that respect, approach the government of Cuba — you name it, South Vietnam, the police state where I lived for two years and Tony Russo did, Russia. I am not, by the way,

at all pleased to hear the President of the country, and we've heard two presidents do this, excuse our behavior by saying that it's no worse than what the Russians did in Hungary and Czechoslovakia.

MR. BUCKLEY: Professor Stiehm.

PROF. STIEHM: It's always been my impression that you were indicted not at all because you released secret information, because virtually everything in the Pentagon Papers could have been ferreted out by a critical reader who was concerned and knew how to interpret certain code words, but that you really have been indicted because of your success in making this information visible. You were successful because the documents were secret and, therefore, no-no's, and because there were 47 volumes of them, not a few memoranda, and because *The New York Times* lent you status by publishing them for you, because you took a certain risk, because the then attorney general cooperated or perhaps conspired with you to take legal action against you and, therefore, inflate the whole notion.

MR. BUCKLEY: You may blush, Mr. Ellsberg.

(laughter)

PROF. STIEHM: I wonder, since you were so successful in achieving visibility in *that* way —

MR. ELLSBERG: I've been in conspiracies before with attorney generals.

MR. BUCKLEY: And with panelists?

PROF. STIEHM: I wonder if you have any ideas at all about how we might make the current air war more visible to the American public. Do you have any strategy?

MR. ELLSBERG: Well, you mentioned the press conference that we had. I think the problem you mentioned is one which is now not just the President's responsibility but that of the media and of the public and it is a very serious one. Here is one where the media, I think, have collaborated, along with Congress, along with the public which doesn't ask questions, in allowing invisibility to cloak our operations in Laos over the years and our current bombing in North Vietnam. I think that's so serious. I've heard a collection of jurors now come before the

court and be asked their opinions on the war, and a number of them have said, not to my surprise, they agree with what the President is doing now — namely, ending the war.

I'm not happy to hear that, and it's not only the President's responsibility that they have that misconception. For that reason, I miss very few opportunities when I have a television camera, thanks to the attorney general, pointed my way, like this one, to point out that the war is far from ending, but I find that I don't have great success in communicating that because that depends, of course, on people reporting it.

Specifically, in the press conference you referred to here, I mentioned that since June 13, when the Pentagon Papers began to be published by *The New York Times*, President Nixon has dropped one million tons of bombs on North Vietnam. That's half the tonnage in all of World War II. It's equivalent to the tonnage that we dropped in all of the Korean War. That's in the last 12 or 13 months, which means the equivalent of a Hiroshima bomb, 20,000 tons, every week.

MR. BUCKLEY: And he's taken out 375,000 American troops.

MR. ELLSBERG: That's true.

MR. BUCKLEY: I say it was worth it. (boos and one person applauds) Thanks, Mr. Ellsberg. Sorry, we're off the air.

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Date 7/9/71

Title and Character of Case

MC LEK-NATIONALITIES INTELLIGENCE

Date Property Acquired 7/8/71	Source From Which Property Acquired SAC, WFO
Location of Property or Bulky Exhibit BULKY EXHIBIT SECTION	Reason for Retention of Property and Efforts Made to Dispose of Same EVIDENCE
Description of Property or Exhibit and Identity of Agent Submitting Same	

1. (1) PACKET CONTAINING PHOTOGRAPHIC REPRODUCTIONS OF ARTICLES
IN NEW YORK TIMES. (See serial 359)

ALL INFORMATION CONTAINED
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DATE 4/6/82 BY SP2

b6
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SEMIANNUAL INVENTORY CERTIFICATION TO JUSTIFY RETENTION OF PROPERTY (Initial and Date)

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65-5236-1B(1)

Field File #

MS

Date August 2, 1971

Title and Character of Case

MC LEK
NATIONALITES INTELLIGENCE

Date Property Acquired Source From Which Property Acquired

7/19/71

b7D

Location of Property or Bulky Exhibit
BULKY EXHIBIT SECTION

Reason for Retention of Property and Efforts Made to Dispose of Same
INTELLIGENCE PURPOSES

Description of Property or Exhibit and Identity of Agent Submitting Same

4 REELS, (2sides each) of DANIEL ELLSBERG AS HE APPEARED
ON THE DICK CAVETT SHOW ON 7/13/71.

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SEMIANNUAL INVENTORY CERTIFICATION TO JUSTIFY RETENTION OF PROPERTY (Initial and Date)

SA. LEO IRUNNICK

Field File # 65-5236

65-5236-1B(2)

Date

8/8/71

Title and Character of Case

NO L.A.

SECTION LETTERS TO ELIABACI

Date Property Acquired

7/20/71

Source From Which Property Acquired

S. C. NEW YORK OFFICE

Location of Property or Bulky Exhibit

BULKY EXHIBIT SECTION

Reason for Retention of Property and Efforts Made to Dispose of Same

POSSIBLE MURDER

Description of Property or Exhibit and Identity of Agent Submitting Same

1. TYPE OF DUTY ALLEGED ON DICK C. VATT SHOW ON 7/13/71,
CLINTON #7, NEW YORK CITY, N.Y., (SEE SERIAL 65-1233-133)

*Detained
9/22/75
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SEMIANNUAL INVENTORY CERTIFICATION TO JUSTIFY RETENTION OF PROPERTY (Initial and Date)

65-1233-1E (3)

Field File #

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SERIALIZED	FILED
AUG 9 1971	
FBI - BOSTON	

Date

10/14/71

Title and Character of Case

M^{OR}LER
ESPIONAGE-X

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Date Property Acquired

9/3/71

Source From Which Property Acquired

CAROL MODICA, RENTAL AGENT FOR
PROPERTY AT [REDACTED] CAMBRIDGE

Location of Property or Bulky Exhibit

BULKY EXHIBITS

Reason for Retention of Property and Efforts Made to Dispose of Same

EVIDENCE LATENT FINGERPRINTS

Description of Property or Exhibit and Identity of Agent Submitting Same

INGENTO PAPER CUTTER MODEL 1151 AKA.
MODEL 5 1/2 WHICH WAS ABANDONED IN
THE APARTMENT OF [REDACTED]

CAMBRIDGE

AS OF 8/31/71.

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DATE 4/6/82 BY SP2 [REDACTED]

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SEMIANNUAL INVENTORY CERTIFICATION TO JUSTIFY RETENTION OF PROPERTY (Initial and Date)

Field File #

65-5236-1B(4)

[Handwritten Signature]

Date 1-4-73

Title and Character of Case

DANIEL ELLSBERG
ESPIONAGE-X

Date Property Acquired	Source From Which Property Acquired
1-4-73	FBI Los Angeles
Location of Property or Bulky Exhibit	Reason for Retention of Property and Efforts Made to Dispose of Same
McLeck filing cabinet	Evidence - destroy when case closed
Description of Property or Exhibit and Identity of Agent Submitting Same	

McLeck telephone special composite listings
12-29-72

See serial 12-29-72

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Field File # 65-5236-1B(5)

JAN 31 1973

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TO DIRECTOR

ATTENTION DOMESTIC INTELLIGENCE DIVISION

WASHINGTON FIELD

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UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION:

"NEW YORK TIMES" SERIES RE UNITED STATES DASH VIETNAM

RELATIONS, ONE NINE FOUR FIVE TO ONE NINE SIX SEVEN;

MISCELLANEOUS INFORMATION CONCERNING (NATIONALITIES INTELLIGENCE).

REFERENCE WASHINGTON FIELD OFFICE TELETYPES TO THE BUREAU,
JUNE ONE SIX, SEVEN ONE, NEW YORK TELEPHONE CALL TO SUPERVISOR
WILLIAM LANDERS, WASHINGTON FIELD OFFICE, JUNE ONE SIX, SEVEN
ONE AND NEW YORK TELEPHONE CALL TO ASAC RALPH RAMPTON, BOSTON,
JUNE ONE SIX, SEVEN ONE.

ON JUNE ONE SIX, SEVEN ONE, PAUL VINCENT, DEPUTY CHIEF OF
THE CRIMINAL SECTION, INTERNAL SECURITY DIVISION OF THE
DEPARTMENT OF JUSTICE, WHO IS IN NEW YORK IN CONNECTION WITH
CAPTIONED MATTER, REQUESTED THE HOME AND BUSINESS ADDRESSES OF
DANIEL ELLSBERG, DOCTOR ROBERT U. AKERET, LESLIE GELB, HENRY
ROWEN AND RICHARD MOORSTEEN. HE ALSO REQUESTED THE BUSINESS
ADDRESS OF THE RAND CORPORATION IN WASHINGTON, D.C. WITH

END PAGE ONE

65-5236-2

SEARCHED <u>7</u>	INDEXED <u>11</u>
SERIALIZED <u>7</u>	FILED <u>11</u>
JUN 16 1971	
FBI - BOSTON	

J. Sullivan

PAGE TWO

(65-25 641)

REGARD TO ELLSBERG, MR. VINCENT REQUESTED HIS FULL AND CORRECT NAME. IN ADDITION HE REQUESTED HE BE FURNISHED "BOSTON GLOBE" REPORTER'S NAME WHO REPORTEDLY WROTE AN ARTICLE ABOUT FOUR MONTHS AGO BASED UPON INFORMATION FURNISHED BY ELLSBERG. HE REQUESTED THAT A COPY OF THIS ARTICLE BE OBTAINED. ALTHOUGH NO ATTEMPT SHOULD BE MADE TO INTERVIEW THIS REPORTER, INDICES OF BOSTON OFFICE SHOULD BE CHECKED CONCERNING THIS REPORTER WHEN IDENTIFIED. NR

LEADS -----

WASHINGTON FIELD. WILL OBTAIN HOME AND BUSINESS ADDRESSES FOR LESLIE GELB, HENRY ROWEN, RICHARD MOORSTEEN, AS WELL AS THE BUSINESS ADDRESS OF RAND CORPORATION. WILL ALSO ASCERTAIN WHETHER OR NOT DOCTOR GELB RECALLS THE NAME OF "BOSTON GLOBE", REPORTER WHO INTERVIEWED ELLSBERG.

BOSTON. WILL ASCERTAIN FULL AND CORRECT NAME OF ELLSBERG AS WELL AS HIS HOME AND BUSINESS ADDRESSES. WILL ALSO ATTEMPT TO LOCATE A COPY OF THE ARTICLE WHICH APPEARED IN "BOSTON GLOBE", MENTIONED ABOVE, IDENTIFYING THE AUTHOR AND FURNISHING RESULTS OF APPROPRIATE INDICES CHECK.

END PAGE TWO

PAGE THREE

(65-25641)

THIS CASE IS TO RECEIVE ABSOLUTELY PREFERRED ATTENTION WITH
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LOS ANGELES

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UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION;
"THE NEW YORK TIMES" SERIES REGARDING UNITED STATES -
VIETNAM RELATIONS, ONE NINE FOUR FIVE - ONE NINE SIX SEVEN;
MISCELLANEOUS INFORMATION CONCERNING (NATIONALITIES INTELLIGENCE)

ON JUNE THIRTEEN, LAST, "THE NEW YORK TIMES" NEWSPAPER
BEGAN PUBLICATION OF A SERIES OF ARTICLES ON MATERIAL
CAPTIONED, "A HISTORY OF THE DECISION-MAKING PROCESS OF THE
UNITED STATES ON VIETNAM POLICY FOR THE PERIOD NINETEEN FORTY-FIVE
TO NINETEEN SIXTY-SEVEN.", THAT MATERIAL IS CLASSIFIED
"TOP SECRET" AND REGARDED VERY SENSITIVE. ATTORNEY GENERAL
HAS REQUESTED FBI CONDUCT ALL NECESSARY INVESTIGATION IN THIS
MATTER AND GRAND JURY IS TO BE CALLED AT NEW YORK CITY ON

[redacted] ALL INVESTIGATION IS

TO BE CONDUCTED IMMEDIATELY, RESULTS FURNISHED BUREAU BY TELE-
TYPE, FOLLOWED BY INVESTIGATIVE REPORT.

END PAGE ONE

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C.F. advised
SA Sullivan

65-5236-3

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 17 1971	
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b3

PAGE TWO

DOCUMENTS INVOLVED ARE COMMONLY REFERRED TO AS THE "MC NAMARA STUDY" AND CONSIST OF FOUR SIX VOLUMES. THE STUDY WAS PREPARED DURING PERIOD ONE NINE SIX SEVEN TO EARLY ONE NINE SIX NINE AND ACCORDING TO DEPARTMENT OF DEFENSE RECORDS ONE FIVE SETS OF THE VOLUMES WERE DISTRIBUTED. ONE VOLUME WHICH MAY HAVE BEEN INADVERTENTLY LEFT OUT OF ONE OF THE SETS DISTRIBUTED IS CURRENTLY IN POSSESSION OF DEFENSE DEPARTMENT. IT IS VOLUME FOUR A FOUR, "EVOLUTION OF THE WAR," AND BUREAU FILES INDICATE THIS VOLUME MAY DEAL SPECIFICALLY WITH "U.S. TRAINING OF VIETNAMESE NATIONAL ARMY, ONE NINE FIVE FOUR TO FIVE NINE." "THE NEW YORK TIMES" HAS REPORTED IN ITS ARTICLES THAT THE STUDY WHICH HAS COME INTO ITS POSSESSION IS SHORT ONE VOLUME.

"THE NEW YORK TIMES" ARTICLES, IN ADDITION TO ASSERTING THAT IT HAS A COPY OF THE DOCUMENTS OF THE "MC NAMARA STUDY," ALSO ASSERTED IT HAS OBTAINED A SUMMARY OF THE COMMAND AND CONTROL STUDY OF THE TONKIN GULF INCIDENT PREPARED BY THE DEPARTMENT OF DEFENSE WEAPONS SYSTEMS EVALUATION GROUP IN ONE NINE SIX FIVE. THIS DOCUMENT IS ALSO CLASSIFIED ~~TOP~~

END PAGE TWO

PAGE THREE

~~SECRET AND IS EXTREMELY SENSITIVE.~~ IT IS NOT KNOWN AT THIS TIME WHETHER THE DISTRIBUTION OF THE TONKIN GULF DOCUMENT WAS THE SAME OR SIMILAR TO THAT OF THE "MC NAMARA STUDY."

INVESTIGATION CONDUCTED THUS FAR HAS IDENTIFIED DANIEL ELLSBERG, DOB [REDACTED]

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[REDACTED] AS POSSIBLY THE INDIVIDUAL WHO FURNISHED "THE NEW YORK TIMES" A COPY OF THE "MC NAMARA STUDY." ELLSBERG WAS A MEMBER OF THE TASK FORCE WHICH PREPARED THE STUDY AND HAD ACCESS TO THE STUDY WHILE EMPLOYED AT RAND CORPORATION, SANTA MONICA, CALIFORNIA. IN JANUARY, ONE NINE SEVEN ⁷₀, INFORMATION WAS RECEIVED ALLEGING ELLSBERG HAD RECENTLY COPIED "TOP SECRET" DOCUMENTS OBTAINED FROM RAND CORPORATION WHICH WERE TO BE GIVEN SENATOR J. WILLIAM FULLBRIGHT OF ARKANSAS AND THE THEN SENATOR CHARLES GOODELL OF NEW YORK. ALLEGATION WAS NOT SUBSTANTIATED BY INVESTIGATION, BUT INFORMATION WAS OBTAINED INDICATING THAT IF ALLEGATION TRUE, DOCUMENTS INVOLVED MOST LIKELY WOULD BE "MC NAMARA STUDY." ELLSBERG LAST REPORTED TO BE A SENIOR RESEARCH ASSOCIATE, CENTER OF INTERNATIONAL STUDY, M.I.T., CAMBRIDGE, MASS.

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b7D

END PAGE THREE

PAGE FOUR

AFFAIRS OFFICER, ADVISED ON JUNE FIFTEEN, ONE NINE SEVEN ONE, THAT A [REDACTED] DR. ROBERT U. AKERET, A PRACTICING PSYCHOLOGIST IN NEW YORK CITY, TOLD HIM IN EARLY MAY, ONE NINE SEVEN ONE, THAT AN UNNAMED INDIVIDUAL CONNECTED WITH GROVE PRESS, NEW YORK CITY, SAID THAT DANIEL ELLSBERG HAD CONTACTED GROVE PRESS, "THE NEW YORK TIMES" AND OTHER NEWSPAPERS, TRYING TO NEGOTIATE PUBLICATION OF A FOUR OR FIVE THOUSAND PAGE DOCUMENT ON UNITED STATES INVOLVEMENT IN VIETNAM. [REDACTED] RELUCTANTLY FURNISHED AKERET'S IDENTITY AND REQUESTED THAT THE FACT HE HAD DONE SO NOT BE DISCLOSED.

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b7D

FOLLOWING INVESTIGATION TO BE COVERED IMMEDIATELY BY NEW YORK:

ONE. LOCATE AND INTERVIEW DR. ROBERT U. AKERET, CONCEALING FACT HIS IDENTITY WAS FURNISHED BY [REDACTED] AND OBTAIN ALL INFORMATION HE HAS REGARDING ELLSBERG'S CONNECTION WITH THIS MATTER.

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TWO. INTERVIEW ANYONE NAMED BY AKERET AS HAVING POSSIBLE KNOWLEDGE OF ELLSBERG'S CONNECTIONS WITH THE LEAK TO "THE NEW YORK TIMES." EXCEPT THOSE PERSONS CONNECTED WITH NEWS MEDIA,

END PAGE FOUR

PAGE FIVE

INCLUDING GROVE PRESS AND "VILLAGE VOICE." INTERVIEW OF PERSONS WITH THOSE PUBLICATIONS SHOULD BE CLEARED WITH BUREAU BY TELEPHONE SUBSEQUENT TO INDICES CHECK.

THREE. PURSUE ANY LOGICAL LEADS IMMEDIATELY.

FOLLOWING INVESTIGATION TO BE CONDUCTED BY LOS ANGELES:

ONE. RECONTACT RICHARD BEST AND [REDACTED] RAND CORPORATION, SANTA MONICA, CALIFORNIA, "SEE YOUR FILE: ONE ZERO FIVE - TWO SEVEN NINE FIVE TWO" AND OBTAIN ANY CURRENT INFORMATION IN THEIR POSSESSION REGARDING ACTIVITIES OF ELLSBERG.

TWO. VERIFY SET OF "MC NAMARA STUDY" REPORTEDLY IN RAND POSSESSION IS SECURE AND THAT ALL FOUR SIX VOLUMES ARE ACCOUNTED FOR.

THREE. DISCREETLY DETERMINE IF [REDACTED]

[REDACTED] CONTINUES TO RESIDE AT [REDACTED]

[REDACTED] IF POSSIBLE,

ASCERTAIN NAME AND WHEREABOUTS OF [REDACTED]

RESULTS OF INVESTIGATION CALLED FOR ABOVE SHOULD BE FURNISHED BY TELETYPE AS NOTED WITH BOSTON AND NEW YORK OFFICES BEING SUPPLIED INFORMATION BY SIMILAR MEANS. RESULTS OF LOS ANGELES AND NEW YORK INVESTIGATION NECESSARY FOR BOSTON.

END PAGE FIVE

b6
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PAGE SIX

IN FUTURE INTERVIEW OF ELLSBERG. BOSTON SHOULD NOT INTERVIEW
ELLSBERG UNTIL ADVISED TO DO SO BY BUREAU.

RESULTS OF INTERVIEWS SHOULD BE REDUCED TO APPROPRIATE
CONTEMPORANEOUS RECORD ON FD THREE ZERO TWO'S WITH TELETYPE
CALLED FOR ABOVE TO BE SUBMITTED TO BUREAU KEYED FOR TRANSMIS-
SION TO DOMESTIC INTELLIGENCE DIVISION IN ACCORDANCE WITH APPRO-
PRIATE INSTRUCTIONS IN MANUAL OF RULES AND REGULATIONS. //

ALL OFFICES MUST AFFORD THIS MATTER EXPEDITIOUS AND
CONTINUING INVESTIGATIVE ATTENTION, INSURING THAT ADEQUATE
EXPERIENCED PERSONNEL ARE ASSIGNED TO IMMEDIATELY COVER ALL
LEADS AND INTERVIEWS CALLED FOR. WASHINGTON FIELD ASSUME
ORIGIN.

END.

WFY

FBI BOSTON HOLD

NR018 NY CODE

155PM IMMEDIATE 6-17-71 JLW

TO DORECTOR

ATT. DOMESTIC INTELLIGENCE DIVISION

BOSTON

WASHINGTON FIELD

FROM NEW YORK 65-25641 3P

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/9/81 BY SP-2 [redacted]

b6
b7C

UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION;
"THE NEW YORK TIMES" SERIES REGARDING UNITED STATES -
VIETNAM RELATIONS, NINETEEN FORTYFIVE - NINETEEN SIXTYSEVEN;
MISCELLANEOUS INFORMATION CONCERNING (NATIONALITIES
INTELLIGENCE).

REBUTEL JUNE SIXTEEN, SEVENTYONE, AND BU TELEPHONE
CALL JUNE SEVENTEEN INSTANT.

ON THE MORNING OF JUNE SEVENTEEN INSTANT, DR. ROBERT
AKERET, SIX NINE SEVEN WEST END AVENUE, NYC, WHO IDENTIFIED
HIMSELF AS A PRACTICING PSYCHOLOGIST, WAS INTERVIEWED
CONCERNING HIS KNOWLEDGE OF THE CAPTIONED MATTER.
ESSENTIALLY, HE STATED HE WAS INVOKING HIS RIGHT TO DECLINE
FURNISHING INFORMATION ON THE BASIS THAT IT WAS "PRIVILEGED
COMMUNICATION". HE DID CLAIM, HOWEVER, THAT HE LEARNED OF
ELLSBERG'S DESIRE TO PUBLISH CLASSIFIED GOVERNMENT DOCUMENTS
CONCERNING THE VIETNAM SITUATION FROM A [redacted]

END PAGE ONE

b6
b7C

65-5232-4

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PAGE TWO

[REDACTED] HE

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b7C

CLAIMED THAT HE KNOWS ELLSBERG HAVING MET HIM TWO OR THREE
TIMES THROUGH [REDACTED]

AS THE BUREAU AND BOSTON ARE AWARE, DURING THE NIGHT
OF JUNE SIXTEEN, SEVENTYONE, ON RADIO STATION WMCA IN
NEW YORK, BARRY GRAY, THE MODERATOR OF HIS OWN SHOW AND
FORMER COLUMNIST FOR THE "NEW YORK POST", INTERVIEWED
ONE SIDNEY ZION, A FORMER REPORTER OF THE "NEW YORK POST" AND
"THE NEW YORK TIMES", WHO RECENTLY WAS CONNECTED WITH
"SCANLONS" MAGAZINE. DURING THIS INTERVIEW, NBIO IDENTIFIED
DANIEL ELLSBERG, NOW WITH THE MASSACHUSETTS INSTITUTE OF
TECHNOLOGY, AS THE INDIVIDUAL WHO FURNISHED "THE NEW YORK
TIMES" WITH THE DOCUMENTS IN QUESTION.

PURSUANT TO PRIOR ARRANGEMENTS AND AT THE REQUEST
OF ZION, SPECIAL AGENTS OF THE FBI CONTACTED ZION AT HIS
RESIDENCE, THREE THREE SIX WEST END AVENUE, APARTMENT SIX
C, NYC.

UPON ARRIVAL AT ZION'S APARTMENT, DUE TO THE PRESENCE OF
REPRESENTATIVES OF THE MEDIA, NO ATTEMPT WAS MADE TO
INTERVIEW ZION. PRIOR TO ANY ATTEMPT BY SAS TO IDENTIFY
THEMSELVES, ZION VOLUNTEERED THE STATEMENT THAT HE WAS
AWARE OF THE IDENTITY OF THE AGENTS, HAD NO STATEMENT
TO MAKE OTHER THAN WHAT HE HAD REVEALED TO THE MEDIA,
AND, IN ANY EVENT, WOULD NOT REVEAL HIS SOURCES. SAS MADE
NO STATEMENT, ATTEMPTED NO FURTHER INTERVIEW AND DEPARTED.
END PAGE TWO

PAGE THREE

PAUL VINCENT, DEPUTY CHIEF OF THE CRIMINAL SECTION,
INTERNAL SECURITY DIVISION, DEPARTMENT OF JUSTICE, HAS
BEEN KEPT ABREAST OF DEVELOPMENTS IN THIS MATTER.

BOSTON TELEPHONICALLY ADVISED OF RESULTS OF INTERVIEWS.

AIRTEL WITH FD THREE ZERO TWOS AND SIGNIFICANT
NEWSPAPER CLIPPINGS FOLLOW.

END

CORR PAGE TWO LINE 10 NEXT TO LAST WD SHLD BE ZION RPT ZION
IDENTIFIED ETC GA

END

BAM FBI BOSTON CLR

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NR001 WF CODE

1014AM IMMEDIATE 6-17-71 SKA

TO DIRECTOR

BOSTON

NEW YORK

FROM WASHINGTON FIELD 2P

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/10/81 BY SP2

b6
b7c

UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION;
THE NEW YORK TIMES SERIES RE UNITED STATES DASH VIETNAM
RELATIONS, NINETEEN FORTYFIVE DASH SIXTY SEVEN. MISC. INFOR-
MATION CONCERNING, (NATIONALITIES INTELLIGENCE SECTION).

RE NEW YORK OFFICE TELEPHONE CALL TO BOSTON AND
WASHINGTON FIELD JUNE SIXTEEN LAST AND WASHINGTON FIELD CALL TO
NEW YORK JUNE SIXTEEN LAST.

FOLLOWING ARE HOME AND BUSINESS ADDRESSES REQUESTED
BY DEPARTMENTAL ATTORNEY PAUL VINCENT:

HENRY F. ROWEN, PRESIDENT, RAND CORPORATION; HOME,
TWO TWO SIX, BURLINGAME AVENUE, LOS ANGELES, CALIFORNIA;
BUSINESS, SEVENTEEN HUNDRED MAIN STREET, SANTA MONICA,
CALIFORNIA.

RICHARD H. MOORSTEEN, RAND CORPORATION; HOME,
NINETYSEVEN MALIBU COLONY, CALIFORNIA; BUSINESS,
END PAGE ONE

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A. Sullivan

PAGE TWO

SEVENTEEN HUNDRED MAIN STREET, SANTA MONICA, CALIFORNIA.

LESLIE H. GELB, BROOKINGS INSTITUTION; HOME,
TWO FOUR ZERO FIVE ELBA COURT, ALEXANDRIA, VIRGINIA; BUSINESS,
SEVENTEEN SEVENTYFIVE MASSACHUSETTS AVENUE, NORTHWEST,
WASHINGTON, D.C.

CALIFORNIA OFFICE, RAND CORPORATION, SEVENTEEN
HUNDRED MAIN STREET, SANTA MONICA; WASHINGTON OFFICE,
TWENTYONE HUNDRED M STREET, NORTHWEST.

FOR INFORMATION, BOSTON, ON JUNE SIXTEEN LAST,
DR. GELB ADVISED THOMAS OLOPHANT WAS REPORTED WHO WROTE
ARTICLE ON DANIEL ELLSBERG AND THE ARTICLE APPEARED IN THE
MARCH SEVEN LAST EDITION OF THE "BOSTON SUNDAY GLOBE".

BOSTON HANDLE.

END

DMM D FBI BOSTON

NR009 NY CODE

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944 PMXXX AM IMMEDIATE 6-17-71 JLW

TO DIRECTOR

ATT. DOMESTIC INTELLIGENCE DIVISION

BOSTON

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/16/81 BY SP2

FROM NEW YORK 65-25641 2P

65-4370
UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION; "THE NEW YORK
TIMES" SERIES REGARDING UNITED STATES - VIETNAM RELATIONS,
ONE NINE FOUR FIVE - ONE NINE SIX SEVEN; MISCELLANEOUS INFORMATION
CONCERNING (NATIONALITIES INTELLIGENCE).

RE NEW YORK TEL CALL TO BUREAU, JUNE SEVENTEEN, SEVENTYONE
AND NEW YORK TELEPHONE CALL TO ASAC, BOSTON JUNE SEVENTEEN INSTANT.

IN RE NEW YORK TEL CALL, BOSTON WAS ADVISED THAT PAUL
VINCENT OF DEPARTMENT OF JUSTICE IN NEW YORK IN CONNECTION WITH
CAPTIONED MATTER, HAD REQUESTED A COPY OF A STORY WHICH APPEARED
IN A BOSTON NEWSPAPER YESTERDAY CONCERNING HOW "THE NEW YORK TIMES"
CAME INTO POSSESSION OF THE ARTICLES IN QUESTION. BOSTON ADVISED
THAT THIS ARTICLE APPEARED IN THE "HERALD TRAVELER" ON JUNE
SIXTEEN LAST. BOSTON ALSO ADVISED IN CONNECTION WITH THE ARTICLE
WHICH APPEARED IN THE "BOSTON GLOBE" ABOUT FOUR MONTHS AGO THAT
THIS ARTICLE ACTUALLY APPEARED MARCH SEVEN, SEVENTYONE AND WAS
WRITTEN BY TOM OLIPHANT.

END PAGE ONE

65-5231-6

SEARCHED <i>mm</i>	INDEXED <i>mm</i>
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PAGE TWO

LEADS

BOSTON WILL OBTAIN FULL NAME AND ADDRESS OF

WILL ATTEMPT TO IDENTIFY AUTHOR OF ARTICLE WHICH APPEARED
IN "HERALD TRAVELER" OF JUNE SIXTEEN LAST, OBTAINING HIS FULL NAME
AND ADDRESS.

WILL REPORT RESULTS OF INDICES CHECK ON ABOVE INDIVIDUALS.

WILL FLY COPIES OF ABOVE MENTIONED ARTICLES WHEN OBTAINED
DIRECTLY TO NEW YORK FOR DELIVERY TO PAUL VINCENT, ROOM FOUR ZERO
ONE, US COURT HOUSE, FOLEY SQUARE, OR SA VINCENT MILACCIO.

END

HOLD

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NR 013 BS CODE

3:10PM IMMEDIATE 6-17-71 DAD

TO: DIRECTOR (ATTN DID)

NEW YORK 65-25641

FROM: BOSTON 65-5236

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/9/81 BY SP2 [REDACTED]

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b7c

UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION; "THE NEW YORK TIMES" SERIES REGARDING UNITED STATES--VIETNAM RELATIONS, ONE NINE FOUR FIVE DASH ONE NINE SIX SEVEN; MISCELLANEOUS INFORMATION CONCERNING (NATIONALITIES INTELLIGENCE)

RE BOSTON TELEPHONE CALLS TO BUREAU AND NEW YORK, JUNE SEVENTEEN INSTANT.

ON INSTANT DATE [REDACTED]

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[REDACTED] VOLUNTARILY APPEARED AT BOSTON OFFICE AND FURNISHED THE FOLLOWING INFORMATION:

[REDACTED] DOB [REDACTED]

[REDACTED] AND WORKED AS [REDACTED] IN BOSTON AREA FROM NINETEEN SIXTYTWO TO NINETEEN SIXTYNINE. [REDACTED] LIBERTY SQUARE PRESS, NINE TWO WATER STREET, BOSTON, MASS. IN JULY OF SIXTYNINE.

ON MARCH TWENTY TWO, SEVENTYONE [REDACTED] MADE NOTATION ON HIS DIARY) AT APPROXIMATELY THREE TO FOUR PM, HE RECEIVED A CALL AT HIS JOB FROM A FEMALE, WHO ASKED IF HE WOULD BE WILLING TO WORK THAT NIGHT AND COPY A LARGE NUMBER OF DOCUMENTS. HE INDICATED HE

END PAGE ONE

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BS 65-5236

PAGE TWO

WOULD BE AVAILABLE AND AFTER SEVERAL TELEPHONE CALLS A COMMITMENT WAS MADE TO WORK THAT NIGHT. [] OBTAINED THE WOMAN'S NAME

AS [] (PHONETIC) AND HER LOCAL ADDRESS, []

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[] CONTINENTAL HOTEL, CAMBRIDGE, MASS. THE WOMAN ARRIVED AT

[] AT APPROXIMATELY EIGHT THIRTY PM CARRYING SOME ONE THOUSAND FIVE HUNDRED PAGES OF COPIES OF PRINT OR TYPED MATERIAL. SHE IDENTIFIED HERSELF AS AN EMPLOYEE OF THE NEW YORK TIMES ASSIGNED TO THEIR WASHINGTON, DC OFFICE. THE MATERIAL DID NOT APPEAR TO BE IN ANY PARTICULAR ORDER OTHER THAN, GENERALLY SPEAKING IT APPEARED TO BE IN CHRONOLOGICAL ORDER. THE MATERIAL WAS BROUGHT TO THE SHOP IN MANILA ENVELOPES.

[] IN SCANNING THE MATERIAL WHILE MAKING XEROX COPIES OF IT BELIEVED IT WAS PROBABLY COPIES OF COPIES WHICH HAD PROBABLY BEEN COPIED THREE OR FOUR OR FIVE TIMES. THERE WERE NO ORIGINALS IN THE MATERIALS. [] DID NOT SEE ANY MARKINGS INDICATING THE MATERIAL WAS SECRET OR TOP SECRET BUT HE DID NOTICE SOME SORT OF CLASSIFICATION OR CONFIDENTIAL INDICATION ON THE MATERIAL AND HE EXPRESSED HIS CONCERN TO [] SHE THEN MADE A TELEPHONE CALL AND AT ABOUT NINE PM A MALE INDIVIDUAL ARRIVED AT THE SHOP IN A TAXI CAB. HE IDENTIFIED HIMSELF AS A REPRESENTATIVE OF THE NEW YORK TIMES

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END PAGE TWO

BS 65-5236

PAGE THREE

AND SHOWED [] HIS IDENTIFICATION ACCREDITING HIM TO THE WHITE HOUSE AS A NEW YORK TIMES CORRESPONDENT. [] DOES NOT RECALL THE NAME ON THE MAN'S IDENTIFICATION BUT STATED IT WAS AN OFFICIAL WHITE HOUSE PRESS CORPS DOCUMENT WITH THE MAN'S PHOTOGRAPH ATTACHED. THIS INDIVIDUAL ASSURED [] THAT THE DOCUMENTS WERE OUTDATED AND OLD AND THERE WAS NO PROBLEM IN COPYING THEM. HE ALSO INDICATED THAT THE NEW YORK TIMES WAS GOING TO DO A REPORT ON VIETNAM. THE MALE LEFT HIS SHOP ON THREE OR FOUR OCCASIONS DURING THE NIGHT AND RETURNED WITH ADDITIONAL PAGES. THE JOB WAS COMPLETED AT ABOUT FIVE FORTYFIVE AM AT WHICH TIME THE MALE INDIVIDUAL PAID THREE HUNDRED NINETY DOLLARS PLUS TEN DOLLARS SALES TAX FOR THE WORK THAT HAD BEEN DONE [] STANDARD FEE OF TEN CENTS A SHEET WAS CHARGED FOR THE JOB).

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[] RECALLED THAT THE DOCUMENTS WHICH HE ONLY GLANCED AT DURING THE NIGHT WERE DATED DURING THE FORTY'S FIFTY'S AND SIXTY'S AND CONTAINED SUCH NAMES AS PRESIDENTS EISENHOWER, KENNEDY, JOHNSON, AND ALSO BUNDY, AND MCNAMARA. [] WAS REQUESTED NOT TO NOTIFY THE BOSTON GLOBE OF THE WORK WHICH HE HAD DONE BUT DID NOT REQUEST ANY OTHER CONFIDENTIAL TREATMENT OF THE MATERIAL WHICH HE HAD HANDLED.

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[] BELIEVES HE FURNISHED THE NEW YORK TIMES EMPLOYEE A RECEIPT FOR THE PAYMENT MADE AND [] IS ENDEAVORING TO LOCATE SAME.

END PAGE THREE

BS 65-5236

PAGE FOUR

[] DESCRIBED [] AS AGE APPROXIMATELY THREE FIVE, FIVE FEET FIVE INCHES, ONE TWO FIVE POUNDS, FAIR COMPLEXION, WEARING HEAVY GLASSES WITH DARK RIMS AND HAVING DARK HAIR.

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MALE NEW YORK TIMES EMPLOYEE DESCRIBED AS AGE APPROXIMATELY THIRTYFIVE, SIX FEET, ONE SIX FIVE DASH ONE SEVEN FIVE POUNDS. HE HAD A SLENDER BUILD, LONG FULL BROWN WAVY HAIR WORN DOWN OVER THE FOREHEAD AND HEAVY IN THE BACK WITH A "CULTURED" (POSSIBLY EASTERN IVY LEAGUE) ACCENT, ARTICULATE, WELL DRESSED.

BOSTON CLOSELY FOLLOWING ALL DEVELOPMENTS AND IS ATTEMPTING TO OBTAIN RECEIPT FURNISHED BY []
END.

JAH

FBI NEW YORK

THIS CASE ACTUALLY BEGINS AT BOSTON IN MARCH 1971 WITH A WALK-IN, BUT THAT MATTER GOT BURIED FOR REASONS ONLY OLD ELEPHANTS KNOW. INTERESTED HISTORIANS ARE REFERRED TO BOSTON FILE 65-5230, (WHICH CONSISTS OF 2 SERIALS!!) AND TELLS THE WHOLE STORY. OF COURSE, THE UNMALE AND [] HEREIN ARE IDENT WITH [] AND MEL SHEEHAN OF 65-5230. THE DESCRIPTIONS OF BOTH TIBE AND THE STORY NARRATIVE IS THE SAME. JUST A LITTLE INVESTIGATION, SOME CHECKING, A FEW PHONE CALLS, ETC. AND THE ENTIRE PENTAGON PAPERS / DANIEL ELLSBERG CASE (CODE NAME MCLEN) COULD HAVE BEEN "NIPPED" IN THE BUD — BUT THEN ALL THAT GOOD FUN NEVER WOULD HAVE TAKEN PLACE. THIS NOTE HAS BEEN PENNED BY ONE OF THE OLD BUREAU ELEPHANTS WHO KNEW ALL THE PLAYERS AND THE MOVES, AND THE REASONS WHY THINGS WERE DONE AS THEY WERE.

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UNITED STATES GOVERNMENT

Memorandum

TO : SAC, BOSTON (65-new)

FROM : SA CHESTER J. GUSTOWSKI

DATE: 6/17/71

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SUBJECT: UNAUTHORIZED DISCLOSURE OF CLASSIFIED
INFORMATION; "THE NEW YORK TIMES"
SERIES REGARDING UNITED STATES-VIETNAM
RELATIONS, 1945-1967;
MISCELLANEOUS INFORMATION CONCERNING
(NATIONALITIES INTELLIGENCE)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/6/82 BY SP2

At 10:45 a.m., 6/17/71, Special Agents ROBERT B. NADEAU and CHESTER J. GUSTOWSKI arrived at 10 Hilliard St., Cambridge, Mass., in order to contact DANIEL ELLSBERG for the purpose of interviewing him regarding captioned matter.

Upon arriving at 10 Hilliard St., a number of employees of the news media were present and watched as Agents NADEAU and GUSTOWSKI walked up the stairs, rang the bell, and waited for a response from someone within the building. There was no response as such; however, a male who apparently had been in one of the first floor rooms of this house ran toward the staircase located opposite the double doors and waved at the Agents indicating he did not want to talk to anyone. Inasmuch as the distance between the doors and this male was too great to converse or to show credentials, this was not done and Agents did not identify themselves as such. Thereafter, the bell was rung again and Agents waited approximately three minutes longer; however, there was no response. Agents left and, while passing through the news media, pictures were taken of the Agents and question was asked whether the Agents were from the Department of Justice. The Agents did not identify themselves and departed from the scene. Upon walking to Agents' car which was located one and one-half blocks from ELLSBERG's residence, individual was observed taking still photographs of personnel entering Bureau car and departing from scene.

CJG:mej
(2)

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BS 65-new

At approximately 11:22 a.m., Agent GUSTOWSKI contacted ASAC RALPH J. RAMPTON regarding above matter; and Agent GUSTOWSKI was requested to call telephone number [redacted] which number was listed to DANIEL ELLSBERG. This call was immediately placed, and a woman answered the phone and identified herself as an employee of a telephone answering service. Agent GUSTOWSKI, who did not identify himself personally, advised this woman that he was a representative of the FBI who a short time ago attempted to contact Mr. ELLSBERG with another Agent at his residence at 10 Hilliard St. with no success. The operator was asked whether she could relay a message to Mr. ELLSBERG, stating that the FBI wished to talk to him. She was asked whether she had been in communication with him that date. She answered that she was not in communication with him at all this date. Thereafter, the conversation was terminated by Agent GUSTOWSKI.

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[redacted] (protect),
[redacted] Cambridge, Mass.,
advised Agent GUSTOWSKI at approximately 1:45 p.m. that he delivers mail to 10 Hilliard St., at least once a week. He stated that the following people reside at this address:

b7E

(FNU)

(FNU)

(FNU)

(FNU) ELLSBERG

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b7C

[redacted] recalled that approximately two weeks ago when he delivered mail at this address a very thin and slight woman greeted him at the mailbox and asked whether he had any mail for ELLSBERG. [redacted] does not recall whether there was any mail for him on this day and stated that he does not know whether this woman is [redacted] or not.

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b7E

The current Boston telephone directory reflects that [redacted] Cambridge, Mass., has telephone number [redacted] and [redacted] [redacted] Cambridge, Mass., has telephone number [redacted]

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b7C

(Mount Clipping in Space Below)

Shall we shoot the Times?

There are some things which no government should or will confide to anyone outside of its own inner circle. This is not because all things are not indeed the citizen's business. They are and must be if government is to be the servant, not the master of the people. It is because the business of surviving as a nation may be at stake.

The nation's plans for resisting invasion clearly are and must be government's secret. The way to build an A-bomb or an N-bomb or even, who knows?, an XYZ bomb is not ever going to be released to the nation's press, and the newspapers themselves would be the first to demand some official scalps were this to occur.

But certainly the New York Times's disclosures on the machinations and deceptions connected with American participation in the Indochinese war do not fit the description of a national security violation. It can be argued, to the contrary, that government efforts to prevent further disclosure are themselves a threat to the national security. However strained the rationale may appear to be, what the government is saying, nevertheless, is that official conniving and duplicity or, perhaps, simple stupidity, are none of the American people's business even when the cost is 55,000 American lives and a frightening torn country. The Times's disclosures pertain only to prior Administrations.

The Times's revelations, says the Department of Justice (and a Federal court has at least temporarily concurred), "will cause irreparable damage to the defense interests of the United States." On the contrary, however, irreparable damage is done to the nation when such disclosures are suppressed.

The people's confidence in either their government's integrity or its

wisdom or perhaps both may be shaken all the more when government persists in the outlandish view that how the nation was conned into this war, and conned illegally at that, and how it could similarly be plunged into another, is none of the public's business. Where it is shown that past Presidents can and do err as grievously as has been demonstrated (either because they were too self-willed or were the victims of advisers) the motives of incumbent administrators who would conceal the facts then themselves inevitably become suspect.

The Nixon Administration takes the curious position that it was a breach of security to disclose that the Gulf of Tonkin resolution was drafted three months before the incident on which it was based. But the real outrage is the resolation itself and the suppression of this vital information until now. Had the Congress and the American people then known what they know now, we would have been out of Indochina long before this. The Nixon Administration's abhorrence of the disclosures does not exactly put to rest all doubts of the legitimacy of its own purposes in continuing the war into which the nation was apparently tricked.

Mr. Nixon speaks of saving the lives of American "boys," just as President Johnson did, and he is in-

(Indicate page, name of newspaper, city and state.)

26

THE BOSTON GLOBE
BOSTON, MASS.

THE BOSTON HERALD
TRAVELER
BOSTON, MASS.

THE BOSTON RECORD
AMERICAN
BOSTON, MASS.

Date: 6/16/71
Edition: Morning
Author:
Editor: Thomas Winship
Title: SHALL WE SHOOT
THE TIMES

Character: or Espionage
Classification: 65-5236
Submitting Office: Boston

☐ Being Investigated

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/6/82 BY SP2

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CC: Bureau

deed bringing them home in numbers. But there are still more than 200,000 of them over there, and he stubbornly resists all efforts to bring them home now and thus save their lives. In leaving them there he is prompted by the same dubious reasons that prompted President Johnson to send them there in the first place. If ever there were arguments that should convince wavering senators that passage of the McGovern-Hatfield resolution is vital, the Times's disclosures and the Administration's reaction to them is it. It is not only the integrity of the Johnson Administration that is at stake. It is the integrity of the Nixon Administration. The Times's disclosures of what happened four, five, 10 or 20 years ago "do irreparable injury to the defense interests of the United States" in the same way that those interests were impaired by disclosures that George Washington's false teeth were ill-fitting.

What happens when a government bottles up legitimate information, or tries to, has been demonstrated time and again. It was not until 13 months had passed, for example, that the nation learned that peace was possible in 1964, if Mr. Johnson had wanted it, which he did not—and, seemingly, this Administration does not now because the time is not ripe. The Thieu government is not yet sufficiently entrenched.

The virtues of the fullest possible disclosures were put down in 1968 in the preface to a collection of his speeches by none other than the former Secretary of Defense Robert S. McNamara—and never mind that he was one of those who kept Mr.

Johnson's secrets:

"The people of this nation, in whose name and by whose ultimate consent all high government officials serve, have both the need and the right to be thoroughly informed on decisions. The only narrow and necessary exceptions are those matters restricted by the irreducible requirements of intelligence collection or battlefield security."

The late President Kennedy was even more to the point after the Cuban Bay of Pigs fiasco on which the Times eliminated vital information in its exclusive account of the invasion then planned.

"If you had printed more about the operation," Mr. Kennedy later told Turner Catledge, then a Times editor, "you would have saved us from a colossal mistake."

The Times, in our view, has performed a singular public service, and should be rewarded rather than denigrated by the Nixon Administration. It is significant that no Administration official, and no one else, for that matter, challenges the authenticity of the Times's revelations. The only Washington complaint is that it has unearthed facts which Washington wanted to keep locked in one of its dark closets.

The whole truth, when it is brought to light, can only help the people to know what they need to know, for their security and that of the nation.

65-5236-10

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FBI — BOSTON	

100-442882-100
JUN 13 1971
FBI — BOSTON

To: SAC, Att: ASAC
From: SA Thomas A. Maki

Subject: Unauthorized Disclosure of
Classified Information;
"The New York Times" etc.

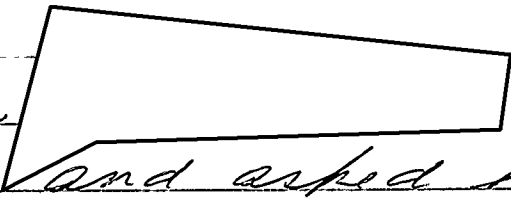
At 3:00 AM, 6-12-71, John Milne, UPI, Boston, CA 24000, called and asked if the FBI had arrested Daniel Ellsberg. He was advised that the name was not familiar and asked why he was requesting this information.

He stated that UPI, NYC, called him and stated a NY station had a talk show in which Sidney Zion stated that Daniel Ellsberg, MIT, Boston, is the individual who gave the information to the "New York Times" and Ellsberg would be arrested in Boston.

Mr. Milne said that prior to calling this office he called MIT and obtained Ellsberg's telephone #. He then dialed

the number but received no answer.

I called Night Supv. James Lott, NY Office, and he stated that he was aware of the radio program and would notify appropriate supv. in the AM.

At 4:15 AM,  of the NY Post called and asked how many Boston FBI agents were involved in the search of Daniel Ellsberg. He said he heard that an intensive search was being conducted by the FBI in an effort to locate Ellsberg. He ~~was~~ was told "No Comment!"

b6
b7C

NR006 LA CODE

237PM URGENT 6-17-71 DLK

TO DIRECTOR ATTN -- DOMESTIC INTELLIGENCE DIVISION --

BOSTON

NEW YORK

WASHINGTON FIELD

FROM LOS ANGELES 2P

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/10/81 BY SP2 [REDACTED]

b6
b7c

UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION; QUOTE THE
NEW YORK TIMES UNQUOTE SERIES REGARDING UNITED STATES DASH
VIETNAM RELATIONS, ONE NINE FOUR FIVE DASH ONE NINE SIX SEVEN;
MISCELLANEOUS INFORMATION CONCERNING PAREN NATIONALITIES
INTELLIGENCE UNPAREN.

[REDACTED] LOS

b6
b7c

ANGELES, CONTACTED ELEVEN THIRTY A. M., INSTANT DATE, AT RESIDENCE.

[REDACTED] NOT PRESENT.

[REDACTED] STATES SHE WANTS TO COOPERATE, HOWEVER, MUST [REDACTED]

[REDACTED] AS MUCH AS POSSIBLE. IN PRESENCE OF AGENTS, CALLED HER

ATTORNEY [REDACTED] WHO AGREED TO BUREAU INTERVIEW OF [REDACTED]

[REDACTED] AT LOS ANGELES OFFICE AT ONE P. M. JUNE EIGHTEEN NEXT

ONLY IF HE IS PRESENT. NO EARLIER TIME POSSIBLE DUE TO HIS
PRIOR COMMITMENTS.

[REDACTED] STATED SHE IS FULLY PATRIOTIC, THAT [REDACTED]

[REDACTED] AND DANIEL EL [REDACTED]

END PAGE ONE

65-5236-11

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 17 1971	
FBI - BOSTON	

L. Sullivan

b6
b7c

PAGE TWO

SHOULD BE JAILED IF GUILTY OF CHARGES. SHE REITERATED THAT HER
ONLY REASON FOR SEEKING LEGAL ADVICE WAS TO [REDACTED]

b6
b7c

[REDACTED] STATES DANIEL ELLSBERG IS

[REDACTED] STATES ELLSBERG REMARIED

SUMMER OF NINETEEN SEVENTY AND THAT HIS REMARRIAGE WAS REPORTED
IN SOCIETY COLUMN OF NEW YORK TIMES.

[REDACTED] CURRENTLY EMPLOYED [REDACTED]

[REDACTED]

END

WFY

FBI BOSTON

CLR

NR027 WA CODE

402PM URGENT 6-17-71 DRL

TO NEW YORK

LOS ANGELES

BOSTON

WASHINGTON FIELD

FROM DIRECTOR (65-74060) 2P

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/10/81 BY SP- [redacted]

b6
b7C

UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION;
"THE NEW YORK TIMES" SERIES REGARDING UNITED STATES -
VIETNAM RELATIONS, NINETEEN FORTY-FIVE - NINETEEN SIXTY-
SEVEN; MISCELLANEOUS - INFORMATION CONCERNING, (NATIONALI-
TIES INTELLIGENCE).

REBUTEL JUNE SIXTEEN, SEVENTY-ONE, CAPTIONED AS ABOVE.

IN ALL SUBSEQUENT COMMUNICATIONS CONCERNING THIS MATTER,
EXCEPT THOSE PREPARED FOR DISSEMINATION OUTSIDE THE
BUREAU, RECIPIENTS SHOULD UTILIZE CODE WORD "MC LEK-
NATIONALITIES INTELLIGENCE" AS TITLE.

END PAGE ONE

5236-12

SEARCHED	INDEXED
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FBI - BOSTON	

[Handwritten signature]

PAGE TWO

RECIPIENTS ARE INSTRUCTED TO SUBMIT TO BUREAU DAILY
TELETYPE SUMMARIES SETTING FORTH RESULTS OF INVESTIGATION
CONDUCTED. ALL RECIPIENTS EXCEPT NEW YORK SHOULD FURNISH
THESE TELETYPE SUMMARIES TO NEW YORK IN ORDER TO
FACILITATE NEW YORK'S FURNISHING PERTINENT INFORMATION TO
DEPARTMENTAL REPRESENTATIVES SCHEDULED TO HANDLE
GRAND JURY PROCEEDINGS IN NEW YORK.

ALL LEADS IN THIS MATTER ARE TO RECEIVE CONTINUOUS
INVESTIGATIVE ATTENTION AND RESULTS OF DAILY INVESTIGATION
INCLUDED IN ABOVE-MENTIONED SUMMARY TELETYPES.

END

FBU BS BCN

FBI BS BCM

NR013 WF CODE

447.PM URGENT 6-17-71 SKA

TO DIRECTOR

ATTENTION DOMESTIC INTELLIGENCE

NEW YORK

BOSTON

FROM WASHINGTON FIELD IP

UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION;
"THE NEW YORK TIMES" SERIES REGARDING UNITED STATES DASH
VIETNAM RELATIONS, NINETEEN FORTYFIVE DASH NINETEEN SIXTY
SEVEN; MISC. INFORMATION CONCERNING (NATIONALITIES
INTELLIGENCE)

RE NEW YORK TELEPHONE CALL INSTANT. CHECK AT
WHITE HOUSE DISCLOSES NO RECORD, PAST OR PRESENT, OF ANY
PASS FOR WHITE HOUSE IN NAME OF NEIL SHEEHAN OR

END

BAM FBI BOSTON CLR FOR TWO

b6
b7C

b6
b7C

65-5236-13

65-52103

SEARCHED ☒	INDEXED ☒
SERIALIZED ☒	FILED ☒
JUN 17 1971	
FBI BOSTON	

J. Sullivan

NR 011 BS C O D E

12:50PM I M M E D I A T E 6-17-71 JAM

TO: DIRECTOR ATT: DID

NEW YORK 65-25641

FROM: BOSTON 65-5236 FOUR PAGES

UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION; QUOTE
THE NEW YORK TIMES UNQUOTE SERIES REGARDING UNITED STATES -
VIETNAM RELATIONS, ONE NINE FOUR FIVE - ONE NINE SIX SEVEN;
MISCELLANEOUS INFORMATION CONCERNING PAREN NATIONALITIES
INTELLIGENCE END PAREN.

RE NEW YORK TEL AND BUREAU AND NEW YORK TELCALLS JUNE
SEVENTEEN INSTANT.

FOLLOWING NEWSPAPER ARTICLES BEING FLOWN TO NEW YORK
INSTANT DATE: ONE - QUOTE BOSTON HERALD TRAVELER UNQUOTE
JUNE SIXTEEN NINETEEN SEVENTY ONE ENTITLED QUOTE STORY BEHIND
N.Y. TIMES PROJECT X UNQUOTE BY QUOTE HERALD TRAVELER STAFF
REPORTER UNQUOTE. QUOTE BOSTON HERALD TRAVELER UNQUOTE
ADVISES ABOVE ARTICLE PREPARED BY SEVERAL COPYWRITERS AND
END PAGE ONE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12-14-81 BY SP2

EX-100
SERIALIZED
INDEXED
FILED

b6
b7c

T. Sullivan *RVH*

65 5236 14

BS 65-5236

PAGE TWO

NO INDIVIDUAL CAN BE IDENTIFIED AS WRITER.

TWO - QUOTE THE BOSTON GLOBE UNQUOTE MARCH SEVEN NINETEEN SEVENTYONE ENTITLED QUOTE ONLY THREE HAVE READ SECRET INDOCHINA REPORT; ALL URGE SWIFT PULLOUT UNQUOTE BY QUOTE THOMAS OLIPHANT, GLOBE STAFF UNQUOTE.

b6
b7C

BOSTON INDICES NEGATIVE RE [REDACTED]

THREE - QUOTE THE BOSTON GLOBE UNQUOTE MAY SEVEN NINETEEN SEVENTYONE ENTITLED QUOTE HE PROTESTS POLICY HE WAS PART OF UNQUOTE BY QUOTE THOMAS OLIPHANT GLOBE STAFF UNQUOTE, AN ARTICLE CONCERNING DANIEL ELLSBERG AND HIS PARTICIPATION IN A MAY SIX NINETEEN SEVENTY ONE ANTI-WAR DEMONSTRATION AT JOHN F. KENNEDY FEDERAL BLDG., BOSTON, WHICH WAS ALSO ENCLOSED FOR INFORMATION.

BOSTON HAS DETERMINED DANIEL ELLSBERG IS SENIOR RESEARCH ASSOCIATE, CENTER FOR INTERNATIONAL STUDIES, M.I.T., CAMBRIDGE,
END PAGE TWO

BS 65-5236

PAGE THREE

MASS., TELEPHONE [REDACTED] AGENTS
HAVE DETERMINED ELLSBERG HAS NOT BEEN AT WORK TODAY AND HIS
OFFICE CLAIMS NO KNOWLEDGE OF HIS CURRENT WHEREABOUTS. SOURCES
AT M.I.T. UNAWARE OF ELLSBERG'S WHEREABOUTS. TEN HILLIARD
STREET, CAMBRIDGE, ELLSBERG'S RESIDENCE, IS SURROUNDED BY
NEWS MEDIA REPRESENTATIVES AND PHOTOGRAPHERS. THE LISTED
TELEPHONE NUMBER IS AN ANSWERING SERVICE WHICH CLAIMS ELLSBERG
IN NOT IN CONTACT AND NOT AVAILABLE. AGENTS WERE PHOTOGRAPHED
WHEN CALLING AT TEN HILLIARD STREET AND REPRESENTATIVES OF
NEWS MEDIA ATTEMPTED TO DETERMINE PURPOSE OF CALL AND IDENTITY
OF AGENTS. AGENTS DID NOT IDENTIFY THEMSELVES. AGENTS WERE
REFUSED ADMITTANCE TO THE RESIDENCE BUT CAUGHT FLEETING GLIMPSE
OF MALE INSIDE HOUSE WHO COULD MEET GENERAL DISCRIPTION OF
ELLSBERG. REPORTERS ADVISED AGENTS THEY HAD BEEN ATTEMPTING
TO GAIN ENTRY SINCE EARLY MORNING AND THERE APPEARED TO BE THREE
MALES OCCUPANTS OF RESIDENCE, ALL UNIDENTIFIED. SINCE IT WAS
OBVIOUS NO ONE WOULD ALLOW ACCESS TO THE RESIDENCE, AGENTS
END PAGE THREE

b6
b7c

BS 65-5236

PAGE FOUR

DEPARTED AND WERE FOLLOWED FROM THE SCENE AND PHOTOGRAPHED BY NEWS MEDIA REPRESENTATIVES. ALTHOUGH RESIDENCE HAS SINGLE ADDRESS, THERE ARE FOUR MAIL BOXES AT THE ENTRANCE. ADDITIONAL OCCUPANTS HAVE NOT YET BEEN IDENTIFIED.

SOURCES AT M.I.T. ADVISE REPORTERS FROM NEWSWEEK AND TIME MAGAZINES HAVE BEEN AT M.I.T. SINCE JUNE SIXTEEN LAST ATTEMPTING TO LOCATE AND INTERVIEW ELLSBERG WITHOUT SUCCESS.

END

JAH

FBI NEW YORK

JHW - FBI WDC

F B I

Date: 6/17/71

Transmit the following in CODE
(Type in plaintext or code)Via TELETYPE IMMEDIATE
(Priority)

TO : DIRECTOR
(ATT: DOMESTIC INTELLIGENCE DIVISION)
SAC NEW YORK (65-25641)

FROM: SAC BOSTON (65-5236)

UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION; QUOTE
THE NEW YORK TIMES UNQUOTE SERIES REGARDING UNITED STATES -
VIETNAM RELATIONS, ONE NINE FOUR FIVE - ONE NINE SIX SEVEN;
MISCELLANEOUS INFORMATION CONCERNING PAREN NATIONALITIES
INTELLIGENCE END PAREN.

RE NEW YORK TEL AND BUREAU AND NEW YORK TELCALLS JUNE
SEVENTEEN INSTANT

FOLLOWING NEWSPAPER ARTICLES BEING FLOWN TO NEW YORK
INSTANT DATE: ONE - QUOTE BOSTON HERALD TRAVELER UNQUOTE
JUNE SIXTEEN NINETEEN SEVENTYONE ENTITLED QUOTE STORY BEHIND
N. Y. TIMES PROJECT X UNQUOTE BY QUOTE HERALD TRAVELER STAFF
REPORTER UNQUOTE. QUOTE BOSTON HERALD TRAVELER UNQUOTE
ADVISES ABOVE ARTICLE PREPARED BY SEVERAL COPYWRITERS AND

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12-14-81 BY SA [redacted]

Approved: [signature]
Special Agent in Charge

Sent 12:50 MPer [signature]

F B I

BS 65-5236

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE TWO

NO INDIVIDUAL CAN BE IDENTIFIED AS WRITER.

TWO - QUOTE THE BOSTON GLOBE UNQUOTE MARCH SEVEN NINETEEN SEVENTYONE ENTITLED QUOTE ONLY THREE HAVE READ SECRET INDOCHINA REPORT; ALL URGE SWIFT PULLOUT UNQUOTE BY QUOTE THOMAS OLIPHANT, GLOBE STAFF, UNQUOTE.

BOSTON INDICES NEGATIVE RE

THREE - QUOTE THE BOSTON GLOBE UNQUOTE MAY SEVEN NINETEEN SEVENTYONE ENTITLE QUOTE HE PROTESTS POLICY HE WAS PART OF UNQUOTE BY QUOTE THOMAS OLIPHANT GLOBE STAFF UNQUOTE, AN ARTICLE CONCERNING DANIEL ELLSBERG AND HIS PARTICIPATION IN A MAY SIX NINETEEN SEVENTYONE ANTI-WAR DEMONSTRATION AT JOHN F. KENNEDY FEDERAL BLDG., BOSTON, WHICH WAS ALSO ENCLOSED FOR INFORMATION.

BOSTON HAS DETERMINED DANIEL ELLSBERG IS SENIOR RESEARCH ASSOCIATE, CENTER FOR INTERNATIONAL STUDIES, M.I.T., CAMBRIDGE,

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

b6
b7c

BS 05-5236

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE THREE

MASS., TELEPHONE [REDACTED] AGENTS
HAVE DETERMINED ELLSBERG HAS NOT BEEN AT WORK TODAY AND HIS
OFFICE CLAIMS NO KNOWLEDGE OF HIS CURRENT WHEREABOUTS. SOURCES
AT M.I.T. UNAWARE OF ELLSBERG'S WHEREABOUTS. TEN HILLIARD
STREET, CAMBRIDGE, ELLSBERG'S RESIDENCE, IS SURROUNDED BY
NEWS MEDIA REPRESENTATIVES AND PHOTOGRAPHERS. THE LISTED
TELEPHONE NUMBER IS AN ANSWERING SERVICE WHICH CLAIMS ELLSBERG
IS NOT IN CONTACT AND NOT AVAILABLE. AGENTS [REDACTED] PHOTOGRAPHED
WHEN CALLING AT TEN HILLIARD STREET AND REPRESENTATIVES OF [REDACTED]
NEWS MEDIA ATTEMPTED TO DETERMINE PURPOSE OF CALL AND IDENTITY
OF AGENTS. AGENTS DID NOT IDENTIFY THEMSELVES. AGENTS WERE
REFUSED (ADMITTANCE) TO THE RESIDENCE BUT CAUGHT FLEETING GLIMPSE
OF MALE INSIDE HOUSE WHO COULD MEET GENERAL DESCRIPTION OF
ELLSBERG. REPORTERS ADVISED AGENTS THEY HAD BEEN ATTEMPTING
TO GAIN ENTRY SINCE EARLY MORNING AND THERE APPEARED TO BE THREE
MALE OCCUPANTS OF RESIDENCE, ALL UNIDENTIFIED. SINCE IT WAS
OBVIOUS NO ONE) WOULD ALLOW ACCESS TO THE RESIDENCE, AGENTS

b6
b7c

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

BS 65-5236

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE FOUR

DEPARTED AND WERE FOLLOWED FROM THE SCENE AND PHOTOGRAPHED BY NEW MEDIA REPRESENTATIVES. ALTHOUGH RESIDENCE HAS SINGLE ADDRESS, THERE ARE FOUR MAIL BOXES AT THE ENTRANCE. ADDITIONAL OCCURANTS HAVE NOT YET BEEN IDENTIFIED.

SOURCES AT M.I.T. ADVISE REPORTERS FROM NEWSWEEK AND TIME MAGAZINES HAVE BEEN AT M.I.T. SINCE JUNE SIXTEEN LAST ATTEMPTING TO LOCATE AND INTERVIEW ELLSBERG WITHOUT SUCCESS.

END

Sent _____ M Per _____
Agent in Charge

NR002 LA CODE

1239PM URGENT 6-17-71 DLK

TO DIRECTOR ATTN -- DOMESTIC INTELLIGENCE DIVISION --

BOSTON

NEW YORK

WASHINGTON FIELD

FROM LOS ANGELES 3P

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/10/81 BY SP2 [REDACTED]

b6
b7c

UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION; QUOTE THE
NEW YORK TIMES UNQUOTE SERIES REGARDING UNITED STATES DASH
VIETNAM RELATIONS, ONE NINE FOUR FIVE DASH ONE NINE SIX SEVEN;
MISCELLANEOUS INFORMATION CONCERNING PAREN NATIONALITIES
INTELLIGENCE UNPAREN.

HENRY S. ROWAN, PRESIDENT, RAND CORPORATION, AND RICHARD B.
BEST, DIRECTOR OF SECURITY RAND, INTERVIEWED JUNE SEVENTEEN
INSTANT. ROWAN ADVISED HE RECEIVED INFORMATION FROM [REDACTED]
[REDACTED] EMPLOYEE OF RAND, WHO IN TURN RECEIVED THIS FROM [REDACTED]
[REDACTED] INFORMED [REDACTED] SHE WAS
IN CONTACT WITH [REDACTED]
[REDACTED] TOLD HER THAT [REDACTED] RECEIVED A CALL ON MONDAY
JUNE FOURTEEN LAST FROM DANIEL ELLSBERG. ELLSBERG INFORMED [REDACTED]
[REDACTED] THAT HE HAD TAKEN SOME QUOTE RISKS UNQUOTE AND THERE WAS A
POSSIBILITY HE MIGHT HAVE TO GO TO JAIL.

b6
b7c

END PAGE ONE

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J. Sullivan

65-206-15

PAGE TWO

RECORDS, LOS ANGELES COUNTY REGISTRAR OF VOTERS, REFLECT
CURRENT REGISTRATION DATED AUGUST TWENTY-TWO, SIXTY IN NAME OF

[REDACTED]
[REDACTED] BORN IN [REDACTED]

DISCREET PRETEXT INVESTIGATION VERIFIED CONTINUED RESIDENCE OF

[REDACTED] WITH [REDACTED] AT MENTIONED ADDRESS.

[REDACTED] RAND CORPORATION,

FURNISHED FORTY-SIX VOLUMES OF THE MC NAMARA STUDY PLUS ONE
VOLUME ENTITLED QUOTE FINAL REPORT UNQUOTE WHICH IS A TABLE OF
CONTENTS. THE TABLE OF CONTENTS CLASSIFIED CONFIDENTIAL. SHE
STATED RAND NOT IN POSSESSION OF DOCUMENT ENTITLED QUOTE SUMMARY
OF THE COMMAND AND CONTROL STUDY OF THE TONKIN GULF INCIDENT
UNQUOTE FROM THE DEPARTMENT OF DEFENSE, WEAPONS SYSTEM EVOLUTION
GROUP NINETEEN SIXTY-FIVE.

SHE FURNISHED EIGHTEEN VOLUMES OF A DRAFT FROM THE DEPARTMENT
OF DEFENSE ENTITLED QUOTE UNITED STATES DASH VIETNAM RELATIONS
UNQUOTE. THIS WAS OBTAINED FROM ELLSBERG WHEN HE TERMINATED ON
MAY TWENTY SEVENTY. HE ADVISED HER THE DRAFT HAD A TOTAL OF
THIRTY-EIGHT VOLUMES AND THE OTHER TWENTY WERE IN POSSESSION OF
RAND CORPORATION, WASHINGTON, D. C. [REDACTED] STATED SHE HAD
END PAGE TWO

b6
b7C

b6
b7C

PAGE THREE

NO RECORD OF THIS DRAFT AND ASKED ELLSBERG WHERE HE OBTAINED IT. HE REFUSED TO TELL HER WHERE THE DRAFT WAS OBTAINED BUT TOLD HER IT WAS THE PRELIMINARY DRAFT FROM WHICH THE MC NAMARA STUDY CAME.

ADMINISTRATIVE. UACB LOS ANGELES WILL INTERVIEW [REDACTED]

b6
b7c

[REDACTED] CASE IS RECEIVING CONTINUOUS AND PREFERRED INVESTIGATIVE ATTENTION. INTENSIVE IN DEPTH INVESTIGATION BEING CONDUCTED IN ATTEMPT TO LOCATE DUPLICATING COMPANY WHERE ELLSBERG MAY HAVE DUPLICATED MC NAMARA REPORT. FD THREE ZERO TWOS AND INVESTIGATIVE REPORT FOLLOWS.

END

JAM FBI BS CLR

6/17/71

AIRTEL

TO : DIRECTOR, FBI (65-74060)
FROM : SAC, BOSTON (65-5236)
SUBJECT: MC LEK - NATIONALITIES INTELLIGENCE

Re Boston telephone call to Bureau, 6/17/71.

Enclosed for the Bureau are the following:

four blurred xerox pages of printed matter
obtained from xerox machine of Victor Publishers,
200 Great Road, Bedford, Mass., on 3/25/71;

one xerox copy of Citibank Traveler's Check
Number [redacted] bearing signature of [redacted]
[redacted] for sum of \$50;

one xerox copy of Citibank Traveler's Check
Number 410-844-005 bearing signature of NEIL
SHEEHAN for sum of \$50;

receipt made out to NEIL SHEEHAN, New York Times,
dated 3/23/71 in the amount of \$400;

one xerox copy of article entitled "Story Behind
N.Y. Times' 'Project X'" appearing in "Boston
Herald Traveler" dated 6/16/71;

2 - Bureau (Enc. 10) (RM)
② - Boston
CJG:mej
(4)

mej

A. Sullivan *WJF*

65-5236-16

b6
b7c

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/19/81 BY 822

BS 65-5236

one xerox copy of article entitled "Only 3
Have Read Secret Indochina Report; All Urge
Swift Pullout" appearing in the "Boston Globe"
dated 3/7/71;

one xerox copy of newspaper article entitled
"He protests policy he was part of" appearing
in the "Boston Globe" dated 5/7/71.

Above is being furnished to the Bureau pursuant
to instructions furnished to the Boston Office.

Originals of enclosures are kept as exhibits
in instant file.

UNITED STATES GOVERNMENT

Memorandum

TO : FILE

DATE: 6/17/71

FROM : SAC JAMES L. HANDLEY

SUBJECT: UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION
NEW YORK TIMES
SERIES U. S. - VIET NAM RELEASES
1/9/45 to 1/9/67
MISC. INFO CONCERNING
NATIONALITIES INTELLIGENCE

**ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED**
DATE 4/6/82 BY SP2

b6
b7C

Supervisor ANDY DECKER of the Bureau telephonically advised that they are in the process of preparing a teletype instructiong Boston to locate and interview DANIEL ELLSBURG in connection with this case.

For the information of the Boston Office, DECKER through Supv. JIM BRIGHTON Advised that a previous investigation on ELLSBURG alleged that ELLSBURG copied these documents around Christmas of 1969. [REDACTED]

b6
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b7D

[REDACTED] apparently advised the Bureau in confidence that [REDACTED]

[REDACTED] Subsequently, [REDACTED] refused to be interviewed. They did interview authorities at the Rand Corporation who said that ELLSBURG had gone down the deep end with respect to the Viet Nam situation and if any papers had been copies, it was probably the McNamara study. Shortly after this happened in 1969, Senator FULLBRIGHT wrote to the Defense Department asking for these papers.

Above for information

ADDENDUM: At 9:00 am, Supervisor ANDY DECKER called and instructed us to locate and interview ELLSBURG as soon as possible:

- (1) He should be advised of his rights; (2) The interview should be polite; (3) Advise Bureau



JLH:ds
(2)

Handwritten signature

65-5236-17

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 17 1971	
FBI-BOSTON	

Handwritten initials

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

UNITED STATES GOVERNMENT

Memorandum

TO : FILE (65-5236)

DATE: 6/17/71

FROM : SUPV. THOMAS D. MANNING

SUBJECT: UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION
NEW YORK TIMES
SERIES U.S. - VIETNAM RELEASES
1/9/45 to 1/9/67
MISC. INFO CONCERNING
NATIONALITIES INTELLIGENCE

**ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED**
DATE 4/6/82 BY SP

b6
b7C

On 6/17/71, [redacted]

b6
b7C
b7D

[redacted] an established source,
furnished the writer confidentially the following
information concerning DANIEL (NMI) ELLSBERG, identi-
fied in the MIT 1970-1971 Directory of Officers and
Students as a Senior Research Associate at the Center
for International Studies (CIS), Building #E53 (Hermann
Building), Room 465A, telephone University 4-6900.
Extension 3136. [redacted]

b6
b7C
b7D

TDM/ras
(2)



5010-108-01

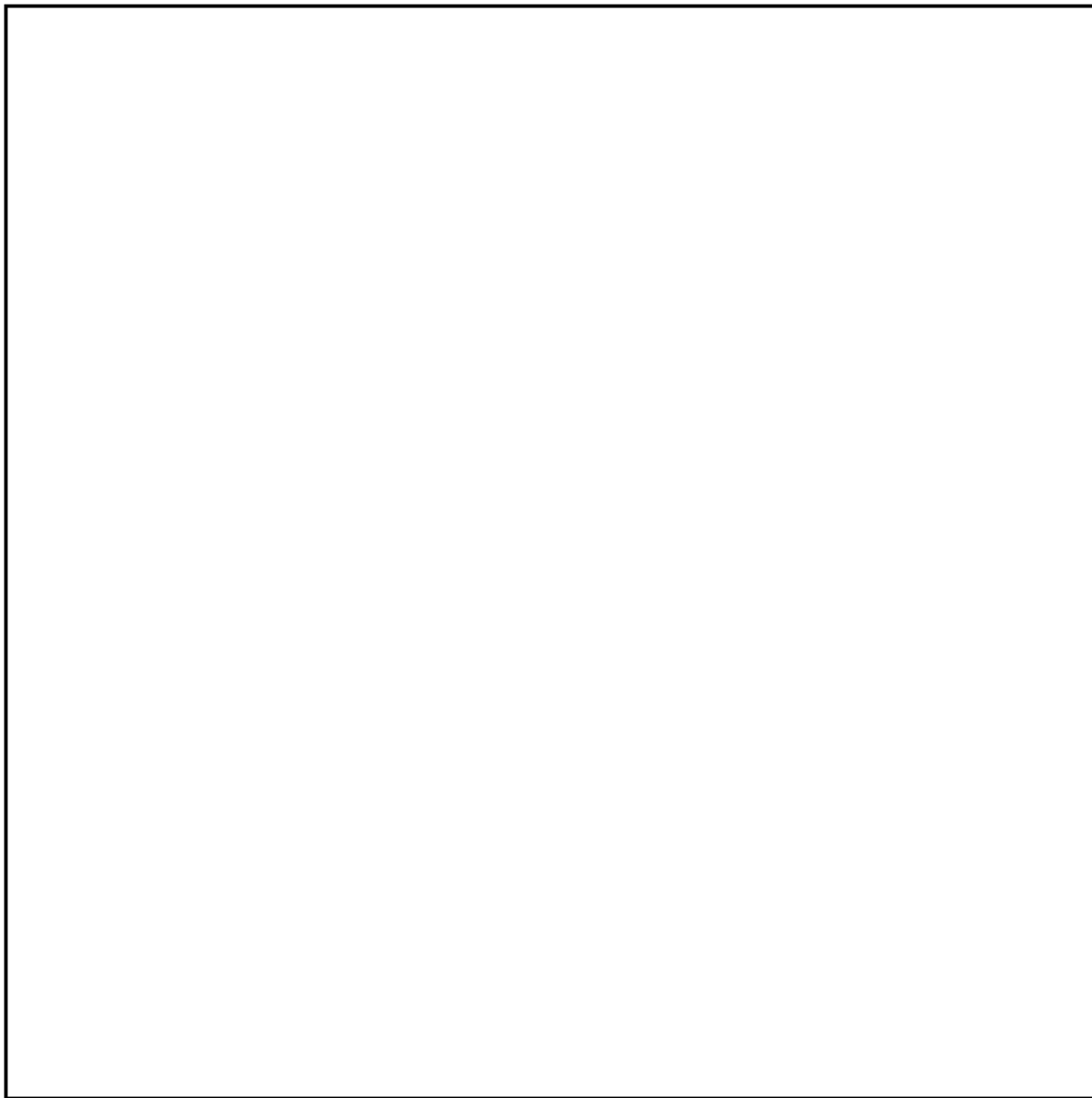
65-5236-18

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 17 1971	
FBI - BOSTON	

[Signature]

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

BS 65-5236



b6
b7C
b7D

It was subsequently ascertained from [redacted]

b6
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b7D

[redacted] an established source, that
ELLSBERG is currently residing in an apartment located
at 10 Hilliard Street, Cambridge, Massachusetts.

BS 65-5236

[REDACTED]

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[REDACTED] She said that she had been informed by [REDACTED] at the Center for International Studies that numerous inquiries were made of that office concerning ELLSBERG on 6/15 and 6/16/71, from representatives of the local press, including reporters from Newsweek and Time magazines. She described ELLSBERG as follows:

Race:	White
Sex:	Male
Height:	6 Feet
Weight:	Approximately 160 pounds
Hair:	Receding, brownish-gray, thinning at front.
Marks:	Fairly heavy growth to shirt collar in rear.
Complexion:	Sallow - clean shaven.

She said that he is not a hippie type, was dressed in conventional clothes and was considerate and polite to the employees of the Center for International Studies. She indicated that ELLSBERG had been married and divorced and felt that he had remarried a girl by the name of [REDACTED] shortly after he was employed by MIT in April, 1970.

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b7C
b6
b7C
b7D

[REDACTED]

BS 65-5236

[redacted] said that ELLSBERG frequently visited New York and Washington, D.C. [redacted]

b6
b7C
b7D

[redacted] She said that he was also friendly with [redacted] Professor at MIT. He was also very friendly with [redacted] Harvard University. She said that ELLSBERG was under the direct supervision of [redacted]

[redacted] at the Sloane School, MIT. She said that ELLSBERG, during the past six months, has participated in numerous anti-war demonstrations including the demonstration at the Telephone Building and the John F. Kennedy Federal Building.

On 6/17/71 [redacted] an established source, advised the writer that he has not seen ELLSBERG at the CIS for the past week and would have no idea where he could be located. [redacted]

b6
b7C
b7D

[redacted] He said the CIS is a research institute that is funded by numerous Government and private enterprise grants that conducts research into any number of items of interest. [redacted]

BS 65-5236



b6
b7C
b7D

All of the individuals referred to above, advised that in the event they receive any additional pertinent information concerning ELLSBERG, they will promptly call it to the attention of the writer.

Contacts were also made with Chief NORMAN SIDNEY, Captain JAMES OLIVIERI, MALCOLM G. KISPERT, Vice President, Academic Administration, and JOHN W. WYNNE, also Vice President, Administration and Personnel. However, these individuals could not furnish any additional information concerning ELLSBERG.

NR017 BS CODE

8:30 PM URGENT 6-17-71 WFY

TO DIRECTOR (65-74060) (ATTN;DOMINTEL)

NEW YORK

FROM BOSTON (65-5236) (P)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/10/81 BY SP2 [REDACTED]

MCLEK, NATIONALITIES TENDENCIES.

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RE BOSTON TEL CALL TO BUREAU THIS DATE.

RECORDS OF THE BOSTON OFFICE SHOW THAT ON MARCH TWENTYFIVE,
LAST, [REDACTED] THE VICTOR PUBLISHERS, TWO HUNDRED
GREAT ROAD, BEDFORDS, MASSACHUSETTS, ADVISED THAT HE RECEIVED
A TELEPHONE CALL ON MARCH TWENTYONE, LAST, FROM [REDACTED]

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[REDACTED] GAVE THE IMPRESSION THAT HE WAS A REPRESENTATIVE OF
THE MILITARY AT HANSCOM AIR FORCE BASE, BEDFORDS, MASSACHUSETTS.

[REDACTED] INFORMED [REDACTED] THAT TWO FRIENDS HAD A LARGE
COPY JOB ORDER ON A RUSH BASIS AND THAT THEY WOULD BE IN
CONTACT WITH [REDACTED] LATER THAT EVENING. [REDACTED] RELATED THAT AT
APPROXIMATELY ELEVEN PM THAT NIGHT [REDACTED] ARRIVED
IDENTIFYING HERSELF AS THE PERSON SENT BY [REDACTED] HE
ACCOMPANIED HER TO THE COPYING FACILITIES [REDACTED]

[REDACTED] AND SHE TOLD HIM SHE DESIRED TO OPERATE THE

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EQUIPMENT ALONE AND HE AGREED. SHE STATED SHE WANTED TO MAKE FOUR THOUSAND COPIES OF A LENGTHY SERIES OF DOCUMENTS WHICH SHE TRIED TO KEEP FROM HIS SCRUTINY. AT FOUR AM ON MONDAY, MARCH TWENTYTWO, LAST, THE JOB WAS THREE QUARTERS COMPLETE AND NEIL SHEEHAN ARRIVED BY CAB AND PROCEEDED TO ASSIST [] IN FINISHING THE COPY WORK. [] STATED THAT NEIL APPEARED TO BE IN A GREAT HURRY AND TO BE QUITE NERVOUS.

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[] SAID THAT THE COPY WORK WAS FINISHED AT APPROXIMATELY SIX AM AND THAT BOTH LEFT BY TAXICAB. ALTHOUGH BOTH WERE CONCERNED THAT HE NOT OBTAIN ANY OF THE COPIES OF THE DOCUMENTS, HE MANAGED TO OBTAIN FOUR COPIES WHICH HAD BECOME JAMMED IN THE MACHINE AND PRODUCED THESE FOUR COPIES. TWO OF THESE COPIES ARE BARELY READABLE. THE OTHER TWO CONTAIN WORDING WHICH INDICATES THEM MIGHT POSSIBLY BE RELATED TO MILITARY OPERATIONS OF THE UNITED STATES AND SOUTH VIEWTNAM FORCES IN VIETNAM. THE BILL FOR THE COPYING JOB WAS FIVE HUNDRED TWO DOLLARS, AND THE ABOVE TWO PAID HIM WITH TWO FIFTY DOLLAR FIRST NATIONAL CITY BANK MONEY ORDERS AND THE BALANCE IN CASH. [] FURNISHED TWO COPIES OF THESE MONEY

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PAGE THREE

ORDERS. [] THAT THE ABOVE TWO RETURNED TO HIS SHOP AT FIVE PM ON MARCH TWENTYTHREE, AT WHICH TIME THEY STATED THAT THEY NEEDED SEVEN HUNDRED THIRTYNINE COPIES OF ANOTHER SERIES OF DOCUMENTS AND THEY WERE ALLOWED TO MAKE THEIR OWN COPIES. THIS JOB WAS FINISHED AT APPROXIMATELY SIX PM AND HE HAD HIS EMPLOYEE DRIVE THEM TO CAMBRIDGE; AND THEY INDICATED THAT THEY WERE PROCEEDING TO LOGAN AIRPORT.

COPIES OBTAINED BY [] PROVIDED BY HIM BEING SUBMITTED THIS DATE BY AIRTEL TO BUREAU. DESCRIPTION OF [] FURNISHED BY [].

INFORMATION PREVIOUSLY PROVIDED BY [] INDICATES THAT HE IS INCLINED TO BE INACCURATE ON OCCASION. IN THE PAST, HE HAS REPORTED INFORMATION ON A BANKRUPTCY CASE INVOLVING A SUIT AGAINST [] WHICH IS REPORTED TO BE IN LITIGATION AT THIS TIME.

ON REINTERVIEW ON APRIL NINE, LAST, THE ACCOUNT BY [] DIFFERS FROM HIS FIRST ACCOUNT IN THAT ON THE FIRST OCCASSION HE SAID THAT [] HAD COME DIRECTLY TO HIS OFFICE AND, IN ADDITION, HE STATED THAT HE WORKED ON REPRINTING

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PAGE FOUR

THE MATERIAL WHICH SHE FURNISHED AND SHE DID NOT OPERATE HIS EQUIPMENT ALONE AS PREVIOUSLY STATED.

[] ALSO STATED THAT []

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[] ALSO PRESENT WHEN THE COPIES WERE RUN OFF ON DUPLICATING MACHINE.

ON APRIL NINE, LAST, INQUIRY AT A CAB COMPANY IN LEXINGTON REVEALED THAT APPROXIMATELY FIVE AM ON THE MORNING OF MARCH TWENTYTWO, LAST, A COUPLE WERE PICKED UP AT THE VICTOR PUBLISHERS COMPANY AND TAKEN TO THE COMMANDER HOTEL IN CAMBRIDGE, MASSACHUSETTS. THE DRIVER OF THIS CAB STATED THAT DURING THE TRIP THE COUPLE COMMENTED UPON THEIR STATE OF TIREDNESS AS THEY HAD SPENT A CONSIDERABLE AMOUNT OF TIME REPRINTING SOME PAPERS.

AIRTEL BEING SUBMITTED THIS DATE WITH FOUR XEROX PAGES RETRIEVED FROM [] DUPLICATING MACHINE; XEROX OF TWO MONEY ORDERS; AND RECEIPT FROM LIBERTY SQUARE PRESS (DESCRIBED IN PRIOR TELTYPE THIS DATE).

END PAGE FOUR

PAGE FIVE

PHOTOGRAPH OF NEIL SHEEHAN BEING DISPLAYED TO [REDACTED]
BOSTON ATTEMPTING TO LOCATE [REDACTED] THROUGH TELEPHONE NUMBER
FURNISHED BY [REDACTED] AND [REDACTED].

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NEWSPAPER PHOTOGRAPH OF NEIL SHEEHAN, ALLEGED TO BE WRITER
OF NEW YORK TIMES SERIES, SHOWN THIS DATE TO [REDACTED]
[REDACTED] (DESCRIBED IN PRIOR TELETYPE THIS DATE,) WHO STATES
THAT FACIAL FEATURES ARE SIMILAR BUT THAT PHOTOGRAPH APPEARS
TO BE THAT OF A YOUNGER PERSON WITH A THINNER FACE AND AN
ENTIRELY DIFFERENT HAIRSTYLE.

NEW YORK OFFICE SUBMIT CURRENT PHOTOGRAPHS OF BOTH
OF THE ABOVE [REDACTED]

INVESTIGATION BEING AFFORDED CONTINUOUS, PREFERRED
ATTENTION.

END

CM wash

KEH new YRK.